



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** September 4, 2018

**Report Number:** SRPRS.18.169

**Department:** Planning and Regulatory Services

**Division:** Policy Planning

**Subject:** SRPRS 18.169 Amendment of Heritage  
Designating By-Law 410-88 – 34 Oxford Street  
(Town File D12-07350)

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### **Purpose:**

The purpose of this staff report is to seek Council's consideration to amend the legal description and the statement of cultural heritage value in designating by-law 410-88 for the property located at 34 Oxford Street.

### **Recommendation(s):**

- a) That the amendment to By-Law 410-88 as outlined in SRPRS 18.169 under section 30.1 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, be approved; and
- b) That the Clerk:
  - (i) provide a copy of the amending by-law to both the Ontario Heritage Trust and the owner;
  - (ii) cause the amending by-law to be registered against the property; and
  - (iii) update the Municipal Heritage Register, in accordance with the requirements of the *Ontario Heritage Act*.

### **Contact Person:**

Pamela Vega, Heritage Planner, phone number 905-771-5529 and/or  
Joanne Leung, Manager of Heritage and Urban Design, phone number 905-771-5498

### **Report Approval:**

**Submitted by:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

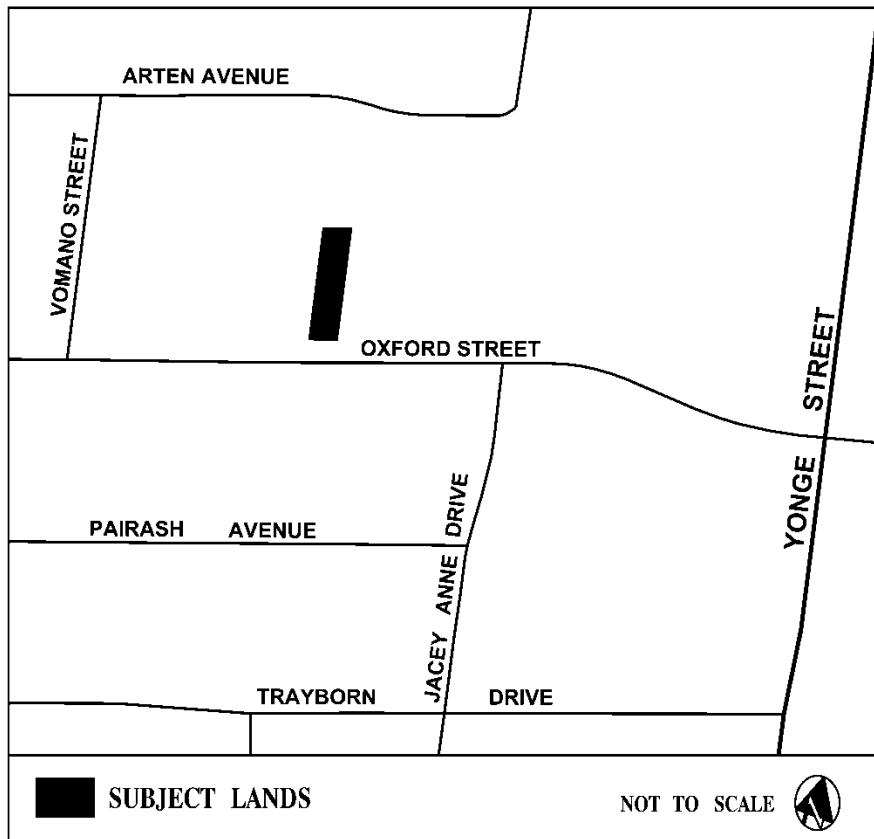
**Approved by:** Neil Garbe, Chief Administrative Officer

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All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

### Location Map:

Below is a map illustrating the location of the subject property. Should you require an alternative format, call the person listed under “Contact” above.



### Background:

The property at 34 Oxford Street was designated by the Town of Richmond Hill (the “Town”) in 1988 under designating By-law 410-88 (see Appendix A). The structure retains important physical elements of its original character including finely crafted exterior wood trim and an overall attention to simplicity, balance and proportion and is described as a Classic Ontario Style farmhouse.

Originally located slightly northwest of its current location, the structure was relocated in 1998 to a smaller lot, but retained the same municipal address of 34 Oxford Street. Since its relocation, the area surrounding the structure within the original property has been subdivided and developed, resulting in a number of non-heritage structures being

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included within the legal boundary described in By-Law 410-88. The legal description of the subject property has not been amended to reflect the current legal and physical description.

A number of the structure's heritage attributes identified in designating By-Law 410-88 were removed as a result of the relocation, including the rear wing addition, the rubblestone walls, the corbelled brick interior chimneys, and the hillside location. The cultural heritage statement has not been amended to reflect the changes to the property's heritage attributes.

Under Section 30.1 of the *Ontario Heritage Act* (the "Act"), there is a clear process for updating designating by-laws that require amendments that can include:

- Clarifying or correcting statements of cultural heritage value or interest or the description of heritage attributes;
- Correcting the legal description of the property; or
- Revising the language of the by-law to make it consistent with the current requirements of the Act or its regulations as amended in 2005.

In the case of the subject property, the designating by-law needs to be updated to:

- 1) Reflect the current extent of the lot that contains the heritage resource;
- 2) Update the language of the cultural heritage statement to be consistent with the current requirements of the Act, which provides more specificity and clarity than the original description, and to reflect the changes to the structure as a result of its relocation.

In 2016, staff proposed to amend the designating by-law to correct the legal description as set out in Staff Report SRPRS 16.001. Heritage Richmond Hill endorsed the recommendations at its meeting of January 19, 2016 and Council adopted the report's recommendations on May 24, 2016. On June 14, 2016, the owner of the subject property filed a notice of objection to the proposed amending by-law, and the matter was brought before the Ontario Conservation Review Board (the "CRB").

The CRB held a settlement conference with the Town and owner on October 5, 2017 and endorsed, through that conference, a path forward to settlement in respect of amendments to the designating by-law. Further changes to the amending designation by-law were made to delete references to the rear wing addition, two corbelled brick chimneys and the hillside location that no longer exist following the structure's relocation. Staff supports these changes to the amending designation by-law. On the basis of the draft revised amending by-law (see Appendix B), the owner withdrew their objection to the CRB on March 17, 2018.

Where a notice of objection has been filed by the owner, section 30.1(8) of the Act directs that sections 29 (7)-(15.1) of the Act apply. Section 29 (15.1) of the Act provides

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that, where all notices of objection have been withdrawn, Council shall act in accordance with section 29(6). Subsection 29(6)(a) sets out the steps Council shall take to pass the designating by-law. Therefore, it is the recommendation of staff that Council take all steps necessary to pass the designating by-law, as amended through the CRB process, in accordance with subsections 30.1(8) and 29(6)(a) of the Act.

### **Financial/Staffing/Other Implications:**

The recommendations in this report will have no financial or staffing implications.

### **Relationship to the Strategic Plan:**

Amending the designating by-law for 34 Oxford Street is in keeping with Goal 3 – Outcome 2, which is to “Steward Richmond Hill’s heritage resources”. It is also in keeping with Goal 3, Outcome 2 by promoting a sense of identity and place through the celebration, promotion and enhancement of the Town’s unique places.

### **Conclusion:**

The appeal to Conservation Review Board relative to the recommended By-law Amendment has been withdrawn. It is important that Council now adopt the amendment to Designation By-law 410-88 to correct its legal description and to remove references to building attributes that had been removed from the building at the time of its relocation.

This report seeks Committee of the Whole’s recommendation to Council to amend designating by-law 410-88 to correct the legal description and the statement of cultural heritage value.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A      Designating By-Law (410-88)
- Appendix B      Draft Amending By-Law (xx-18)

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### Report Approval Details

Document Title:	SRPRS.18.169.docx
Attachments:	- Appendix A.pdf - Appendix B.doc
Final Approval Date:	Aug 23, 2018

This report and all of its attachments were approved and signed as outlined below:

**Patrick Lee - Aug 21, 2018 - 12:08 PM**

**Kelvin Kwan - Aug 21, 2018 - 12:14 PM**

**Neil Garbe - Aug 23, 2018 - 9:35 AM**