



## Staff Report for Council Meeting

**Date of Meeting:** February 25, 2019

**Report Number:** SRPRS.19.039

**Department:** Planning and Regulatory Services

**Division:** Policy Planning

**Subject:** SRPRS.19.039 – 41 Elgin Mills Road East,  
Application to Demolish and Heritage  
Designating By-law - Update

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### Purpose:

The purpose of this report is to update Council with regard to the potential future development and the heritage conservation of the William Neal House located on the subject property, as directed by Council on January 29, 2018.

### Recommendation(s):

- a) That revised By-law 2-18, attached as Appendix A to SRPRS.19.039 be adopted to designate 41 Elgin Mills Road East as being a property of cultural heritage value or interest under Part IV, Section 29, of the Ontario Heritage Act;
- b) That the Clerk: provide a copy of the By-law and the Notice of Passing of the By-law to the Ontario Heritage Trust and the property owner; cause the By-law to be registered against the property; and update the Municipal Heritage Register, in accordance with the requirements of the *Ontario Heritage Act*;
- c) That Council, in accordance with section 34 of the *Ontario Heritage Act*, consent to the demolition application for the William Neal House with the condition that the owner of 41 Elgin Mills Road East enter into a heritage agreement with the Town regarding the commemoration of the property's history as part of any future development on the property.

### Contact Person:

Pamela Vega, Heritage / Urban Design 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

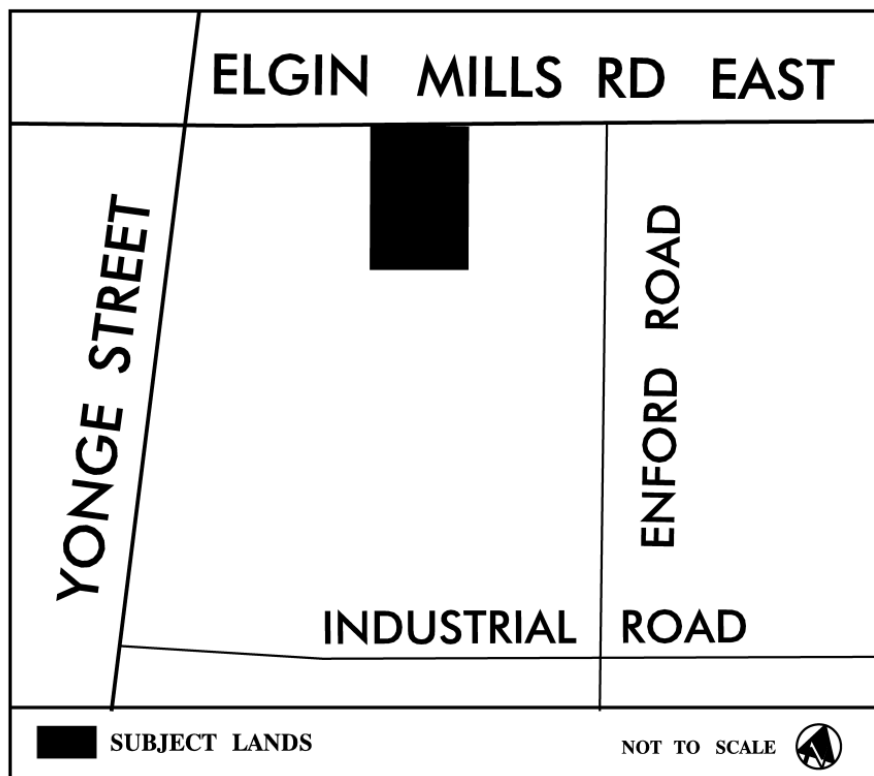
**Approved by:** Neil Garbe, Chief Administrative Officer

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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 as “Contact”, above.



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### Background:

On September 23, 2013, in response to a demolition application received for the property, Council as advised by Heritage Richmond Hill designated the subject lands under Part IV of the *Ontario Heritage Act* (the “Act”), and published a notice of their intention to designate the property on October 10, 2013. The owners filed an appeal to the Conservation Review Board of Ontario (the “CRB”) on November 5, 2013. The CRB heard the matter and made recommendations in favour of designating the property on December 24, 2014.

On October 26, 2015, when the designating by-law came before Council for adoption, a representative for the property owner requested to defer the designation until the German Mill Flood Remediation Study was completed. Council agreed, and resolved to defer the matter. This study has now been completed and concludes that the subject property will not be impacted by the proposed works.

Notwithstanding the status of the property, on November 14, 2017 the owner submitted another demolition application for the William Neal House. In accordance with section 30(2) of the *Ontario Heritage Act*, with Council having published a notice of their intention to designate the property, the property is protected as though the heritage designation process had been completed. The demolition application would therefore be considered as though the property had been designated. According to section 33(4) of the Act, Council has 90 days to make a decision on a demolition application.

On January 29, 2018, Council with the owner’s agreement resolved to extend the 90 day period to March 1, 2019 to allow for good faith discussion between the Town and the owner on potential redevelopment of the property and how the cultural heritage value of the property may be conserved (see Appendix B).

Staff have discussed the recommendations of this report with the owners and they concur with the recommendations.

To date, Council has not enacted the designating by-law (attached as Appendix A) for this property; taking this step would enable the designation to be registered on title for the subject property. Adopting this designating by-law would complete the process that Council began in 2013.

This staff report, as directed by Council, provides an update to the heritage issues related to the subject property.

### Discussion:

There are two matters for Council’s consideration:

- 1) The adoption of the designating by-law for the property located on 41 Elgin Mills Road East for historical and associative values; and

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- 2) The demolition request for the William Neal House.

### **Finalizing Designation**

In 2013, Council determined that the subject property warrants designation; this is supported by the CRB review, which concluded that the property has associative value because “it has direct association with William Neal who was, and is, significant to the community of Richmond Hill” (see Appendix C).

The CRB has also determined that the subject property’s cultural heritage value is associative rather than architectural. The William Neal House, as the primary physical attribute on the subject property, while indicating the property’s connection to William Neal holds no architectural or physical value itself.

### **Removal of the William Neal House**

Under section 34 of the Act, Council has until March 1, 2019 to either:

- (i) consent to the demolition application,
- (ii) consent to the application, subject to such terms and conditions as may be specified by the council, or
- (iii) refuse the application.

If Council does not make a decision by March 1, 2019, they will be deemed to have consented to the application and will lose the ability to place conditions on the removal of the William Neal House.

The CRB has clearly stated that the reasons for designating the subject property lies in its association with William Neal. The CRB has also stated that the William Neal House does not have inherent design value.

Removing the House will therefore not affect the property’s cultural heritage value. In the absence of a built structure, a commemorative feature may be installed through which to distill the property’s associative cultural heritage value.

The commemoration would best be achieved through a condition of the demolition approval. The condition would require the owner to enter into an agreement with the Town requiring the commemoration to be included in any future development. Possibilities for commemoration include a plaque, storyboard or photo array with an explanation of the heritage value of the property.

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

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

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### Relationship to the Strategic Plan:

This designation of 41 Elgin Mills Road East under Part IV of the *Ontario Heritage Act* is consistent with Goal 3 – Outcome 1 of the Strategic Plan, which is to “Respect the past through promoting the awareness of the Town’s heritage, in part by showcasing local history.” This project also implements the direction to achieve Goal 3, “A More Vibrant Richmond Hill,” specifically, by “stewarding Richmond Hill’s heritage resources.”

### Conclusion:

William Neal played a significant role in the evolution of Richmond Hill in the 20<sup>th</sup> Century through his civic and business activities. Mr. Neal proudly represented the residents of the village throughout the 1940s until the 1960s, during which time he served as the Town’s first Mayor in 1957. He is also closely associated with the rise of the automobile in Richmond Hill through his operation of the first Dodge dealership in Canada, which he opened adjacent to 41 Elgin Mills Road East in 1931, and as the operator of the first vehicle licensing office north of Toronto in 1934. 41 Elgin Mills Road East was Mr. Neal’s home, from c.1972 until his death in 1979.

41 Elgin Mills Road East warrants heritage designation. This designation will ensure that the property’s cultural heritage value is preserved.

### Attachments:

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

- Appendix A - 41 Elgin Mills Road East Revised Heritage Designating By-law 2-18
- Appendix B – Extract from Council Meeting held January 29, 2018
- Appendix C – Staff Memorandum to Council, January 26, 2018

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### Report Approval Details

|                      |   |
|----------------------|---|
| Document Title:      | SRPRS.19.039 41 Elgin Mills Rd E Update.docx  |
| Attachments:         | - SRPRS.19.039 Appendix A.docx<br>- SRPRS.19.039 Appendix B.pdf<br>- SRPRS.19.039 Appendix C.docx |
| Final Approval Date: | Feb 19, 2019  |

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

**Patrick Lee - Feb 19, 2019 - 2:47 PM**

**Kelvin Kwan - Feb 19, 2019 - 3:22 PM**

**Neil Garbe - Feb 19, 2019 - 3:28 PM**