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**From:** Marianne Yake  
**Sent:** Monday, December 11, 2017 11:30 AM  
**To:** Clerks Richmondhill  
**Subject:** Part 1 Letter plus 3 attachments  
**Attachments:** Scan2.TIF; Scan20001.TIF; Scan20002.TIF

December 11, 2017

Dear Mayor Barrow and Council Members

13.1.12 - SRPRS.17.203 - National Historic Site Nomination - David Dunlap Observatory (CW Item 11.12)

The Richmond Hill Naturalists, the DDO Defenders and the Observatory Hill Homeowners Association together met with the Federal government Ministers Prentice and Kent, along with Parks Canada in 2009. We presented the Richmond Hill Naturalists documents on the Observatory property, including ones from the Conservation Review Board Hearing.

They were very receptive to adding the David Dunlap Observatory and having this important site added to the national inventory.

We will remind the town of the letter sent to us by your solicitor regarding our documents. (Attached) As well, council on several occasions, discussing purchasing our archive and staff did acknowledge this.(Attached) However no further discussions occurred with staff. Early-on a one time use was given to the DDO Defenders for the mediation process under the OMB, but no permissions for any further use were given.

Although the documents are in the public realm, we will remind you that this material is copyrighted and that we would work with you to come to an agreement for the use thereof as soon as possible. The Town should not use these materials until the issue is resolved.

Regards



Marianne Yake  
Richmond Hill Naturalist



TOWN OF RICHMOND HILL

COMMITTEE OF THE WHOLE

September 8, 2009

SRPD.09.092

Planning and Development

Planning

**SUBJECT:** Designating By-law for the David Dunlap Observatory Lands (SRPD.09.092)  
File No. D12-07228 – 123 Hillview Drive

PURPOSE

The purpose of this report is to recommend that Council pass a by-law under Part IV, Section 29 of the *Ontario Heritage Act* to designate a Cultural Heritage Landscape, as described in 'Appendix A' attached hereto, on that portion of the David Dunlap Observatory Lands referred to in this report.

RECOMMENDATIONS

- a) That the SRPD 09.092 dated September 8, 2009 be received;
- b) That By-law No. 100-09, attached as 'Appendix A' to SRPD.09.092, be approved as the designation by-law for the David Dunlap Observatory Property, 123 Hillview Drive, including land and buildings, as a property of cultural heritage value or interest under Part IV, Section 29, Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 amended 2005;
- c) That Staff be directed to forward draft By-law No. 100-09 to the next regular meeting of Council for consideration and passage;

d) That staff be directed to establish an archive to retain historical information and research materials regarding the David Dunlap Observatory Property for the future good of the site, and that these materials be made available to the public with required permission; and,

- e) That staff be instructed to commence a cultural heritage review of Land Parcel "B" identified as the 'Panhandle Lands' located on 350 16<sup>th</sup> Avenue

Ritchie Ketcheson  
Hart &  
Biggart

SRPD. 09.092  
File(s) D17-07228

Ritchie Ketcheson Hart & Biggart LLP  
*Barristers, Solicitors, Notaries*  
1 Eva Road, Suite 206  
Toronto, Ontario  
M9C 4Z5

Tel: (416) 622-6601  
Fax: (416) 622-4713  
e-mail: mail@ritchieketcheson.com

Bruce C. Ketcheson  
Tel: 416-622-6601, Ext 238  
[bketcheson@ritchieketcheson.com](mailto:bketcheson@ritchieketcheson.com)

July 29, 2009

Weir Foulds LLP  
Exchange Tower  
130 King Street West, Suite 1600  
Toronto, Ontario M5X 1J5

Attention: Ian Lord

Dear Sir:

**RE: Town of Richmond Hill re David Dunlap Observatory/Hearing before the  
Conservation Review Board/Our File No. K130**

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As you are aware the Conservation Review Board delivered its report on the David Dunlap Observatory earlier this spring. It is anticipated that Town staff will be presenting a report to Richmond Hill Council early in the fall that will respond to the Board's recommendations. During the course of the hearing before the Board, your client assembled and tendered a large collection of materials pertaining to the historic development and use of the David Dunlap Observatory site over a period dating back to the establishment of the original farming homesteads. The utility of this material to the Board's deliberations was acknowledged at page 50 of their report, where the panel made the following statement:

"The Board must commend the Naturalists for their extensive undertaking to document the history and physical presence of this property. Their request to have some of their submitted evidence archived with an appropriate body to serve this site over the long term is acknowledged. The Board recommends that the Town ensure this information is retained and made available to staff and the public, with any required permission."

Richmond Hill staff are supportive of this recommendation and would like to address this aspect as part of their report to Council later this year. Accordingly I have been requested to contact you for the purpose of soliciting your client's cooperation in making copies of this material available for maintenance/use by the Town. The intent of this

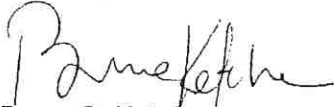
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request is to ensure that copies of these records are accessible and available for use by Town staff and members of the public, as part of the ongoing effort to preserve the heritage of the David Dunlap Observatory site.

I would be pleased to discuss this request with you at your convenience.

Yours very truly,

**RITCHIE KETCHESON  
HART & BIGGART LLP**



Bruce C. Ketcheson

BCK/es

cc: Joanne Leung

Evelin Ellison, Co-President Ward One (South) Thornhill Residents Inc.. asked that the designation be extended to protect the open field at Bayview Avenue and Hillsvie Drive, the trees along Bayview Avenue and the Heritage Woodlot.

12. Designating By-law for the David Dunlap Observatory Lands - File No. D12-07228 – 123 Hillsvie Drive - (SRPD.09.092)

Moved by: Councillor Chan

- Rec. 12
- a) That the SRPD 09.092 regarding the Designating By-law for the David Dunlap Observatory Lands dated September 8, 2009 be received;
  - b) That By-law No. 100-09, attached as 'Appendix A' to SRPD.09.092, be approved as the designation by-law for the David Dunlap Observatory Property, 123 Hillsvie Drive, including land and buildings, as a property of cultural heritage value or interest under Part IV, Section 29, Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 amended 2005;
  - c) That Staff be directed to forward draft By-law No. 100-09 to the next regular meeting of Council for consideration and passage;
  - d) That staff be directed to establish an archive to retain historical information and research materials regarding the David Dunlap Observatory Property for the future good of the site, and that these materials be made available to the public with required permission;
  - e) That staff be instructed to commence a cultural heritage review of Land Parcel "B" identified as the 'Panhandle Lands' located on 350 16<sup>th</sup> Avenue

Carried Unanimously

#### CONSIDERATION OF REPORTS REQUIRING SEPARATE DISCUSSION

3. Winter Tennis Bubble Operation Licence Renewal Agreement - (SRPRC.09.51)

Moved by: Councillor Chan

- Rec. 13 That the Mayor and Clerk be authorized to execute a licence renewal agreement attached as Appendix "B" to SRPRC.09.51 between the Corporation of the Town of Richmond Hill and 849400 Ontario Inc. upon the written recommendation of the Commissioner of Parks, Recreation and Culture.

Carried Unanimously

For consideration by Council on September 14, 2009

Heide DeBond, 578 Stonebridge Lane, Pickering, expressed her concern for the protection of the Observatory and telescope.

Moved by: Councillor Chan  
Seconded by: Regional and Local Councillor Hogg

That the correspondence submitted by the delegates regarding the Draft Designating By-law for the David Dunlap Observatory Lands be received.

Carried Unanimously

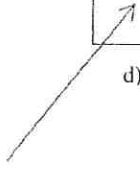
**CONSIDERATION OF REPORTS REQUIRING SEPARATE DISCUSSION**

**2.0 Designating By-law for the David Dunlap Observatory Lands – File No. D12-07228 – 123 Hillsview Drive – (SRPD.09.104)**

Moved by: Councillor Chan  
Seconded by: Regional and Local Councillor Hogg

- a) That the SRPD 09.104 regarding the Designating By-law for the David Dunlap Observatory Lands, File No. D12-07228, 123 Hillsview Drive, dated September 29, 2009 be received;
- b) That By-law No. 100-09, attached as 'Appendix A' to SRPD.09.104, be passed as the designation by-law for the David Dunlap Observatory Property, 123 Hillsview Drive, including land and buildings, as a property of cultural heritage value or interest under Part IV, Section 29, Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, as amended;

c) That staff be directed to establish an archive to retain historical information and research materials regarding the David Dunlap Observatory Property for the future good of the site, and that these materials be made available to the public with required permission;



- d) That staff be instructed to commence a cultural heritage review of Land Parcel "B" identified as the 'Panhandle Lands' located on 350 16<sup>th</sup> Avenue, such a review to be completed in time to inform the forthcoming David Dunlap Observatory Lands Planning and Conservation Management Study;
- e) That staff be instructed to commence the David Dunlap Observatory Lands Planning and Conservation Management Study.
- f) That a copy of the audio recording from the September 29, 2009 Council meeting form part of the official record and be retained by the Office of the Clerk as part of its permanent records; and that a copy of the audio recording be provided to the Richmond Hill Public Library Board for its records.

Carried Unanimously

**MOTION**

Moved by: Regional and Local Councillor Spatafora  
Seconded by: Councillor Cohen

That a Special Meeting of Council be held on October 27, 2009 at 9:00 a.m. in the Council Chambers to educate members with respect to accessibility issues, and that pursuant to Section 239(3.1) of the *Municipal Act, 2001*, this meeting be closed to the public.

Carried Unanimously

**1.0 Minutes – Committee of the Whole meeting CW#01-10 of January 18, 2010****1.3 Proposed Fence Amendment – 155 Duncan Road – Plan 65M334 Lot 26 – (SRPD.10.03) – (Item No. 7)**

Moved by: Councillor Chan

Seconded by: Councillor Papa

- Rec. 4 That the request to amend Chapter 973 of the Municipal Code by the property owner of 155 Duncan Road to permit a wood fence having a height of approximately 2.44 meters (8 ft.) along the east, west and south lot lines of the property, as well as an iron fence and gate having a height ranging from 1.7 meters (5 ft. 7 in.) to 2.2 meters (7 ft. 3 in.) along the north lot line, as detailed in SRPD.10.03. be referred back to staff.

Carried Unanimously

Dr. Wilhelm Bleek, 136 Centre Street West, addressed Council regarding The David Dunlap Observatory Lands Conservation Management and Planning Study Report advising that he sees value in the planning and design principles presented in the Report and highlighted which principles, in his opinion, are important. He clarified that he did not prefer any of the three proposed design scenarios within the Report and requested that Council remove the information pertaining to the design scenarios from the Report before receiving it. He stressed that a balance is required between public interest and private ownership, and between the historical and cultural heritage and future development.

Marianne Yake, Richmond Hill Naturalists, addressed Council regarding The David Dunlap Observatory Lands Conservation Management and Planning Study Report. She advised that they would like to see the entire property protected, advised of concerns with the Report specifically with the planning and design principles in terms of how they were developed, and advised of their concerns with the cultural heritage assessment completed on the Panhandle lands. She requested that the Report not be received by Council until a response is received back from the Federal and Provincial Governments on this matter. She also raised the question of the use of information contained in materials asserted to be the property of the Richmond Hill Naturalists without express permission. The Chief Administrative Officer for the Town of Richmond Hill responded.

Renu Duggal, 332 Fern Avenue, President of the Observatory Hills Homeowners Association, addressed Council regarding The David Dunlap Observatory Lands Conservation Management and Planning Study Report advising that they do not want to see any development on the property. She also advised of their concerns with the cultural heritage assessment completed on the Panhandle lands. She requested that the Report not be received by Council but rather that Council endorse the motion being forwarded to the Federal and Provincial Governments on this matter.

Karen Cilevitz, 40 Birch Avenue, addressed Council regarding The David Dunlap Observatory Lands Conservation Management and Planning Study Report advising of her concerns with the Report and the impact of the planning and design principles on the Official Plan. She inquired why the Report does not include comments from the owner of the property, as a stakeholder. She further advised of her concerns with the cultural heritage assessment completed on the Panhandle lands.

Marion Matthias, Ward One (South) Thornhill Residents Inc., addressed Council regarding The David Dunlap Observatory Lands Conservation Management and Planning Study Report advising of their concerns with the Town of Markham not being consulted as a stakeholder for their input into the Report. She further advised that they would like to see the entire property protected so that all residents can enjoy the space.

*(continued)*



**2.0 Request for Issuance of Draft Approval for Draft Plan of Subdivision 19T(R)-09002 - Bill Sipsis – File No. D03-09002 - (SRPD.10.015)**

That DRAFT APPROVAL for the draft Plan of Subdivision, submitted by Bill Sipsis for lands known as Lot 22, Plan M-807, Town File No. D03-09002 (19T(R)-09002), be issued and that such draft approval be in accordance with the conditions set out in Appendix "C" to SRPD.10.015 and that servicing capacity for seven (7) units be allocated to the subject lands.

**3.0 Correspondence from Meagan Swan, Fogler, Rubinoff LLP, dated February 8, 2010, regarding the proposed recommendation for Heritage Designation of 14 Richmond Street - (Committee of the Whole minutes February 1, 2010 - Consecutive Page 041)**

That the correspondence from Meagan Swan, Fogler, Rubinoff LLP, dated February 8, 2010, regarding the proposed recommendation for Heritage Designation of 14 Richmond Street - (Committee of the Whole minutes February 1, 2010 - Consecutive Page 041) be received.

**4.0 Correspondence from Jack Barbosa, Business Manager, dated February 5, 2010, regarding the Oak Ridges Community Centre Project**

That the correspondence from Jack Barbosa, Business Manager, dated February 5, 2010, regarding the Oak Ridges Community Centre Project be received.

Carried Unanimously

**DELEGATION**

Marianne Yake, President, Richmond Hill Naturalists, expressed concern with the fact that the minutes of the January 25, 2010 Council meeting did not record that she raised issues with respect to the use of information contained in materials which she asserts to be the property of the Richmond Hill Naturalists.

Council Meeting C#03-10  
January 25, 2010

Moved by: Regional and Local Councillor Hogg  
Seconded by: Councillor Cohen

a) That the minutes of Council Meeting C#03-10 held on January 25, 2010 be amended to include the following:

i) Page 5 - delegation by Marianne Yake, President, Richmond Hill Naturalists regarding the David Dunlap Observatory Lands Conservation Management and Planning Study Report to include the following: "She also raised the question of the use of information contained in materials asserted to be the property of the Richmond Hill Naturalists without express permission. The Chief Administrative Officer for the Town of Richmond Hill responded."

b) That the minutes of Council Meeting C#03-10 held on January 25, 2010 be adopted as amended.



ii) **Status Update – 297 Richmond Street and Headford Mill Farm Property (Mill Remnant and barn structure)**

A. Galloro advised that 297 Richmond Street had recently been sold. She enquired whether any current information was available regarding the Mill House.

M. Krapez advised that staff will monitor 297 Richmond Street, and that there was no update on the Headford Mill Farm Property (Mill Remnant and barn structure) at the present time.

iii) **David Dunlap Observatory Lands**

J. Shaykewick referred to a proposed plan put forward by the owners of the David Dunlap Observatory lands and enquired why the submission was determined to be incomplete. Councillor Foster advised that no plans had been circulated to Council and therefore she was not aware of what was missing.

Mr. Shaykewick discussed with Committee his concerns relating to the handling of intellectual property as it relates to the materials prepared by the Richmond Hill Naturalists. He suggested that perhaps the Committee could formally express its concerns regarding how this was addressed.

Committee acknowledged the work and contributions of the Richmond Hill Naturalists. Comments brought forward included whether this was something that could be dealt with by Committee, whether there were rules and regulations governing this type of issue, and whether permission should have been received by the Town.

iv) **Charlie Barker House, 10251 Leslie Street**

J. Horner requested that plaques be provided for the Charlie Barker House and barns located at 10251 Leslie Street.

v) **Status Update – Eyer Wideman House, 1045 Elgin Mills Road East**

J. Horner advised of the Grand Opening of the Eyer Wideman House (formally known as the Eyer Homestead) and requested that a new plaque be provided for the property in recognition of the Wideman family. Staff advised that a new plaque will be ordered and that as part of changing the property name to the Eyer Wideman House, the by-law enacted for this property will need to be amended.