

## Memorandum

September 25, 2023

**MEMO TO:** Mayor and Members of Council

**COPIED TO:** Darlene Joslin, City Manager  
Stephen Huycke, Director, Legislative Services/City Clerk

**FROM:** Kelvin Kwan, Commissioner, Planning and Building Services

**SUBJECT:** **9893 Leslie Street – Summary & Analysis of Heritage Richmond Hill Committee Motion related to SRPBS.23.002: Notice of Intention to Demolish a Listed Heritage Building**

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### Summary:

This memo provides a legal and procedural analysis of a motion adopted by Heritage Richmond Hill (HRH) to amend Staff recommendations contained in SRPBS.23.002; these recommendations concern a notice of intention to demolish a listed heritage building at 9893 Leslie Street.

- Procedurally, the role of HRH concerning the proposed demolition of 9893 Leslie Street, as defined by the *Ontario Heritage Act* (OHA) and the HRH *Terms of Reference*, was to advise Council on whether the property merited designation under Pt. IV of the OHA;
- HRH endorsed Staff's recommendation that the property did not merit designation under the OHA;
- In the absence of Council issuing a Notice of Intention to Designate the property, a demolition permit may be lawfully issued following expiration of the 60-day notice period on October 9<sup>th</sup>;
- Additional conditions placed on demolition beyond this 60-day period are not legally enforceable;
- Further, conditions related to archaeology and/or Indigenous consultation are beyond the mandate of the committee as an advisory body to Council on Parts IV and V of the OHA.

As such, Staff recommend that Council consider the original Staff recommendations contained in SRPBS.23.002, and that no additional conditions be placed on the OHA processes related to demolition of the listed building at 9893 Leslie Street, or the removal of the property from the City's Heritage Register.

### Background:

**Purpose of Staff Report SRPBS.23.002:**

- On August 10<sup>th</sup>, 2023, Staff received notice of intention to demolish a listed heritage building at 9893 Leslie Street;
- Staff reviewed the Cultural Heritage Impact Assessment submitted by the property owner, and agreed with the report's findings that 9893 Leslie Street does not meet the threshold for designation under Pt. IV s. 29 of the Ontario Heritage Act (OHA), as prescribed by O. Reg. 9/06;
- Consequently, Staff Report SRPBS.23.002 (Attachment A) included the following recommendations:
  - That HRH advise Council that the property at 9893 Leslie Street does not merit designation under Part IV of the OHA; and
  - That the property be removed from the City's Heritage Register, on the condition that the owner provide full building documentation prior to demolition (*\*note that this condition has already been met by the owner, and no longer applies*);
- HRH endorsed both of these Staff recommendations at its meeting on September 14<sup>th</sup>, 2023.

#### **HRH Motion to Amend Staff Recommendations:**

- Notwithstanding their endorsement of Staff's recommendations, HRH had concerns about archaeology, Indigenous consultation, and salvage/commemoration for 9893 Leslie Street;
- Consequently, the Committee adopted a motion to add additional conditions on the removal of the property from the Heritage Register (Attachment B);
- This motion will appear before Council at their meeting on September 27<sup>th</sup>, 2023.

#### **Demolition Control for Listed Heritage Properties:**

- Listed heritage properties are afforded a singular protection under s. 27(9) of the OHA:
  - The owner must provide 60 days' notice of their intention to demolish a listed heritage building;
- After this 60-day period ends, there are no further constraints that would prevent issuance of a demolition permit for the property;
- Council may choose to protect a listed heritage property from demolition within the 60-day notice period by issuing a Notice of Intention to Designate the property under Pt. IV s. 29 of the OHA;
- However, as the property at 9893 Leslie Street does not meet the threshold for designation under the OHA, designation is not recommended by Staff or HRH;
- The 60-day demolition notice period for 9893 Leslie Street expires on October 9<sup>th</sup>, 2023.

#### **HRH Role & Purview**

- Per s. 28(1) of the OHA and the *Heritage Richmond Hill Terms of Reference*, the role of the municipal heritage committee is to advise Council on specific matters prescribed under Pts. IV

(designation of individual properties) and V (designation of heritage conservation districts) of the OHA;

- Staff provided HRH members with a presentation and information package in February 2023, which clearly defined the role of the committee as an advisory body to Council on specific heritage matters prescribed under the OHA;
- It is Staff's opinion that the role of HRH with regards to the proposed demolition of 9893 Leslie Street was to advise Council on whether the property merited designation under Pt. IV of the OHA;
- It is thus outside the purview of the heritage committee to request additional conditions related to archaeology or Indigenous consultation.

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

Given the legal and procedural analysis presented above, Staff recommend:

- a) That Council consider the original Staff recommendations included in SRPBS.23.002; and**
- b) That Council not place additional conditions on the OHA processes related to the demolition of a listed building at 9893 Leslie Street, or the removal of the property from the City's Heritage Register.**

### **Attachment(s):**

- **Attachment A:** SRPBS.23.002 - Notice of Intent to Demolish - Listed Property on the Richmond Hill Heritage Register - 9893 Leslie Street (Horner House) City File D12-07255
- **Attachment B:** Heritage Richmond Hill Motion to Amend Staff's Recommendations to Council