

Good afternoon,

First I would like to thank the Whole Committee for providing the opportunity to be heard.

I have reviewed the Committees report and recommendation, which was very thoroughly researched and most interesting and to which I would like to respond.

First, by way of introduction, I should tell you who I am and where I come from. My name is James Counter, I am the youngest son of Karen D. Mitchell and William R. Counter, the three of us who reside in the subject property at 12800 Yonge Street. My grandfather was William G. Mitchell and my great grandfather was John HC Durham, for whom the property is named the Mitchell-Durham farmhouse.

My family has lived and farmed in Oak Ridges since the early 1830's, having emigrated from Ireland, though originally Scottish by nationality.

My grandfather William was a farmer, specializing in Holstein dairy cattle and cash cropping. Most famous always was his corn, which was a very desirable commodity when we were children. I spent endless hours as a child shucking "or husking" corn for sale by the dozen to many of Oak Ridges' residents, and his barn parties always featured a corn roast.

I have lived in 12800 Yonge Street for the whole of my 35 years.

My mother Karen and father William are barrister and solicitors, and have served Oak Ridges in this role for almost 50 years. Formally, the office was located in the home at 12800 before we moved to the current location at 12820 Yonge Street.

I have followed in my parents' footsteps as the only member of my siblings to work in law, and intend to continue that legacy in the community for the rest of my natural life.

With those details in mind, and on behalf of our family, I ask this committee to recognize the nature of our family's objection to the designation, the reasons for which I will set out now.

First and foremost, the mandate of the Heritage Committee, the true purpose of the designation process and the resources dedicated to same, is to preserve the structures which possess cultural or historical value and to prevent their depreciation, neglect, or demolition.

In this regard, I want to note to the committee that our home at 12800 is not a piece of a closed historical chapter, but very much a living, breathing, vibrant family home. We are very proud to live there and to call Oak Ridges our home, and we have taken care to preserve the structure, not just for its historical value, but because it is our home, for now and for the future. The historical aspect of this proposed designation, in its relation to my family, is not something which will disappear if we do not designate it. The story of our family continues with each generation and is not yet written or finished. We are very aware of the history of the family, and my mother particularly has always been keenly interested in presenting and preserving that story for any one who is interested. She and my aunt have been featured in local newspapers telling some of the story of the family and of my great grandfather John HC Durham, and I too have been raised with the feeling of pride and honour at our connections to the town's history. We do not need a designation to maintain that connection. We are that connection and we are still here.

The house itself has undergone some significant renovations. The entire West side was constructed in the 1948 as an addition and is not original.

It is one of two homes on our section of Yonge Street which are listed on the heritage registry. The house on the other property, our neighbour at 12764 Yonge Street, is actually the older of the two houses, and yet it is not up for designation.

Another consideration for which designations are required is the possibility that, in passing the home and property to new owners, the historical legacy would not be preserved.

I can say with complete certainty that it is not and never would be our intention to leave Oak Ridges or to sell the property. I intend to reside there for the duration of my natural life, and to pass it on to my children. If the necessity of the designation is based in the possibility of the property changing hands, I can tell you that we are frequently solicited with offers to purchase, and they are ALWAYS ignored. My mother intends to reside there for the duration of her natural life, and I'm sure her ghost would haunt me if I ever let the property change hands. Furthermore, I am as of December locating my business office on the property, such that this Committee can rest assured that I intend to utilize the space for the rest of my life to facilitate my practice of law and to serve the community of Oak Ridges and the City of Richmond Hill.

Another reason to justify a designation is access to historical restoration grants which are made payable, up to \$5000 annually, for restorations to the property. We have always maintained our own property at our own cost, and I believe this grant money would be better utilized on heritage properties where the maintenance and upkeep is a pressing issue. For example, just last year we replaced the shingled roof at a cost to us of about 12,000.00. The windows on the home are all original and so no money would be required by us for their repair or restoration as they are an original feature and we would never change them. The property is well cared for and we are content to keep it in that way without the assistance of heritage grants. I would suggest that this Committee look directly across the street, to another property which IS in dire need of immediate care and maintenance, and which possesses a longer historical pedigree in relation to the history of the family and a greater visibility for the community. This is the John HC Durham cobblestone cottage which is located at 12761 Yonge Street. I actually served on this committee for four years in order to better understand the process of heritage designation and restoration specifically because I have been working for almost 6 years now to see the cobblestone cottage protected and repaired. I have had frequent conversations with the Mayor David West, I have met with MP Michael Parsa, MPP Anna Taylor Roy, I have spoken with councillor Carol Davison, and Councillor Beros before her. All of expressed an interest in seeing the property renovated and restored. It is older, it is more unique, and it has greater community visibility than our home at 12800, and so I think this committee would be more effective in pursuing its mandate by investigating how the province can be compelled to designate the cobblestone cottage before it utilizes resources designating our home, which is occupied and well maintained and cared for. We do not risk losing the heritage or history at 12800 by not designating. The risk of losing the cobblestone cottage is very real, immediate and pressing.

One feature of the property for which I am incredibly grateful is the beautiful mature trees and green space we are lucky enough to keep. However, it is an almost weekly occurrence that individuals from the surrounding neighbourhood, and particularly people who are new to Canada, do not understand that it is private property, such that we frequently have people

picnicking on the lawn, taking photographs of themselves in front of the trees, relaxing on our bench, or even sometimes, helping themselves to apples, grapes, and other things which grow on the property. I frequently go out and speak to them, and kindly advise them that although we do appreciate visitors, that it is in fact private property and our home. It is a concern that a Heritage designation plaque will further that confusion and encourage more people to mistake our property for parkland or a heritage location which they are free to visit, when in fact it is our home and our private property.

My last point:

My mother and father have practiced law in Oak Ridges for 47 years. Alas, their health has made continuing to practice difficult and they are going to retire at the end of this year, but I will continue to practice and to represent their many clients as they have for so many years. Due primarily to costs and to the change in technology with respect to how law is now being practiced, we will be ceasing to lease our current office space and I intend to continue to practice from a home office which will be located at 12800 Yonge Street, as it used to be.

With that in mind, I understand that a heritage designation will require compliance and approval with the committee prior to any exterior renovations. This is problematic for 2 reasons: First, for the operation of the home office we may require alterations to facilitate mobility access for clients with mobility issues, and that requirement may become immediate and necessary in a short time frame. I do not wish to be in a situation where I cannot provide mobility access to my clients because the exterior renovation requires a heritage committee approval, then a whole committee approval, and then town council's approval, such that this is a real and legitimate reason why we as the homeowners would prefer that the committee reject this specific property for designation. Furthermore, the fee for submitting an exterior renovation application is \$4,195.00, such that in order to provide mobility access to my clients, I then have to incur almost five thousand dollars in cost just to submit the application.

Furthermore, my own mother and father, who are now 77 and 72, will require exterior alterations to facility their access to the home due to concerns for their own mobility, and in particular for my mother, who is already experiencing these issues and will definitely require special accommodation in the form of a ramp, as the stair set is becoming more and more difficult for her to surmount. This is not a question of If, but a matter of when, as she is already experiencing significant mobility problems. Again, the reasoning is the same as above, that a heritage designation will mean a significant time before mobility and accessibility access for her can be installed, such that in the interim period between my mother requiring accessibility modifications and the final approval of heritage and whole committees and town council, my mother will be essentially a prisoner in her own home, unable to go to work, to church, or to medical or dental appointments she requires. In addition, the fee cost is punitive to a person with disabilities and absolutely an infringement upon her right to access and utilize the property she has lived in her life, such that a heritage designation by this committee amounts to a temporal and financial punishment on a disabled woman who simply wants to reside in her home and live her life with dignity and without significant impediments to her access to that home. A heritage designation will present very real timeline and financial obstacles to facilitating

exterior alterations directed at addressing these mobility concerns and they may be required to be installed rapidly, such that I am asking the committee to vote against the designation of this property. If this committee votes in favour of this designation, it will be prioritizing its intention to protect the heritage and culture of our family and our family home over the immediate, real, and serious need of the very people whose legacy this committee's designation professes to care about protecting. The accessibility needs of a disabled woman, who has lived in and cared for her own home such that we do not require heritage's designation to protect our history or culture should ABSOLUTELY COME BEFORE your desire to protect the properties heritage, especially considering we have taken better care of our heritage property than the province who keeps another heritage property which is older and equally attached to our family history in such a state of degradation. If this committees votes in favour of this designation, we will be seeking every avenue to appeal that designation and opposing it at every instance. I believe that this is a HUMAN RIGHTS ISSUE regarding accessibility and mobility, and to impose upon a 72 year old woman a five thousand dollar fee (not to mention the wait period to be approved on the application) to apply for the opportunity to make her home mobility accessible is an issue which I am content to take as far as needed to protect my mother and her right to use and reside in her own home. As a young lawyer, I am prepared to litigate this issue if necessary against the municipality to protect my mother and my family and to exhaust every avenue of appeal available, be that the Human Rights Tribunal, or if necessary, the Superior or Supreme Court.

12800 Yonge Street's heritage is already well cared for, and the inconvenience its designation may cause is a real consideration given the issues of mobility both for my clients and more importantly for my own parents. I would like to conclude by saying I that I thank this committee for its work and I believe in the necessity for heritage preservation, but that this specific property is already well maintained and cared for and not at any risk of losing its cultural or historical value as a heritage property nor are resources required for its upkeep. There are many properties which NEED a designation in order to be preserved and protected, one specifically being the John HC Durham Cobblestone cottage, but our home at 12800 is not one of them. Furthermore, the imposition of a designation will directly compromise my mother's ability to cope with her mobility and accessibility issues and penalize her by restricting her to her home and imposing unfair fees just to be able to facilitate what she absolutely deserves to be entitled to, living at home in peace without restriction.

I strongly ask this committee to consider passing over 12800 for a heritage designation and to focus on the properties that need preservation where that preservation will not cause undue hardship to the family whose legacy this committee professes to protect or to a lovely lady whose mobility and accessibility concerns a designation will severely negatively impact.