



Staff Report for Council Meeting

Date of Meeting: January 22, 2025

Report Number: SRPBS.25.001

Department: Planning and Building Services

Division: Policy Planning

Subject: SRPBS.25.001 – Objection to Notice of Intention to Designate – 11644 Leslie Street – City File D12-07275

Purpose:

This report recommends that City Council affirm its intention to designate the Horner House at 11644 Leslie Street under Part IV, Section 29 of the *Ontario Heritage Act* (the "Act"), consistent with the Council decision made on October 23, 2024. The City has received an objection to Council's Notice of Intention to Designate from the property owner(s) within the statutory timeframe.

Recommendation(s):

- a) That Staff Report SRPBS.25.001 titled "Objection to Notice of Intention to Designate 11644 Leslie Street" be received;
- b) That the Notice of Objection to designation under Part IV, Section 29 of the *Ontario Heritage Act* submitted by or on behalf of the property owner(s) of 11644 Leslie Street, be received;
- c) That City Council affirm its intention to designate the property at 11644 Leslie Street under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance, and in accordance with the Statement of Significance included as Attachment "A" to SRPBS.25.001;
- d) That staff be directed to bring a designation by-law for the property at 11644 Leslie Street before Council at a future Council meeting for adoption; and
- e) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Contact Person(s):

- Julia Smith, Urban Design/Heritage Planner – Tel. 905-747-6305
- Kunal Chaudhry, Manager of Heritage & Urban Design – Tel. 905-771-5562

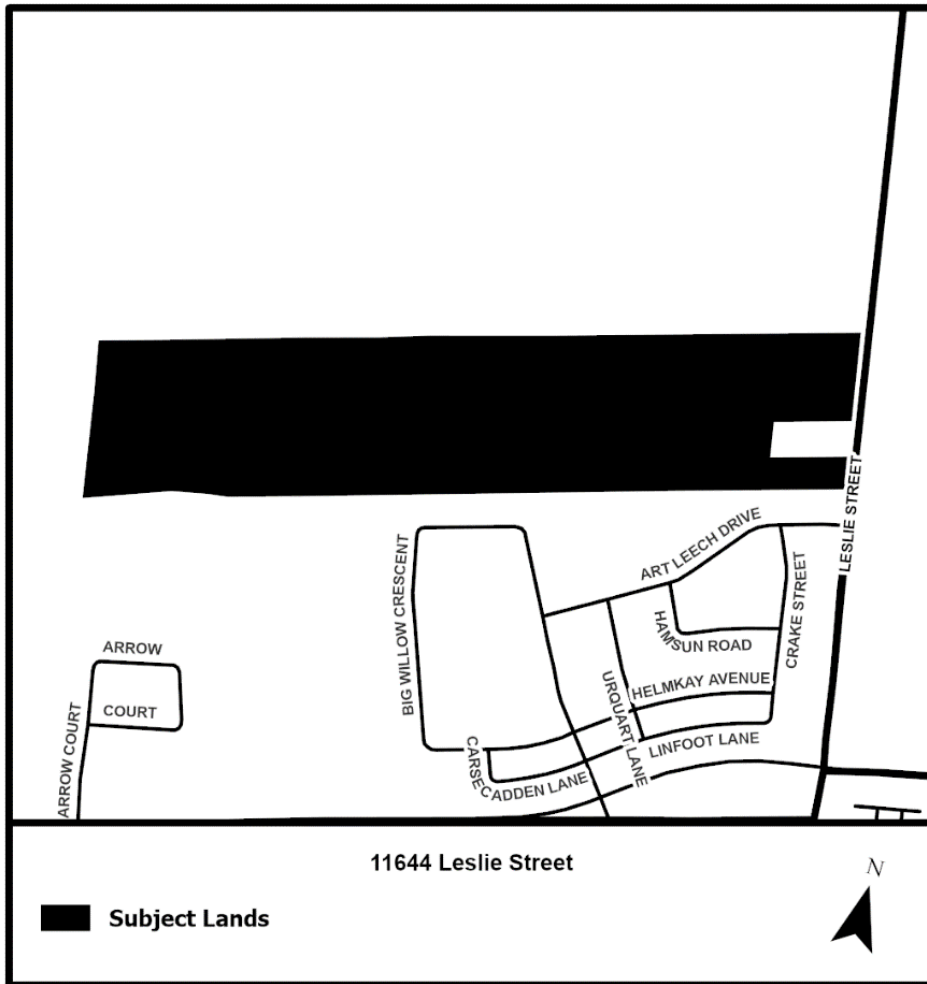
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- Maria Flores, Director of Policy Planning – Tel. 905-771-5438
- Gus Galanis, Commissioner of Planning and Building Services – Tel. 905-771-2465

Report Approval:

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

Location Map:



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Key Messages:

- The Horner House at 11644 Leslie Street has been thoroughly researched and evaluated for cultural heritage significance using Provincial (O. Reg. 9/06) criteria;
- The subject property has been found to meet five of the O. Reg. 9/06 criteria (1, 4, 5, 7 and 8), and thus, not only meets but exceeds the threshold for designation under Part IV of the *Ontario Heritage Act* (the “Act”);
- Council acknowledged the significant cultural heritage value of the property at 11644 Leslie Street by adopting a Notice of Intention to Designate the property on October 23, 2024;
- Heritage and Urban Design staff (“staff”) have reviewed the objections raised by the property owner(s) and remain of the opinion that the property at 11644 Leslie Street merits heritage designation; and
- Council may choose to affirm, amend, or withdraw their intention to designate the subject property.

Background:

The Province has prescribed criteria for heritage designation

Under Ontario Regulation 9/06 of the “Act”, municipal councils may designate a property to be of cultural heritage value or interest if the property meets two or more of the nine criteria outlined below:

1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method;
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit;
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement;
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture;
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community;

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7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area;
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings; and,
9. The property has contextual value because it is a landmark.

11644 Leslie Street exceeds the threshold for designation under the Ontario Heritage Act

The subject property has been thoroughly researched and evaluated for cultural heritage significance using O. Reg. 9/06 criteria. The property has been found to meet five of the nine O. Reg 9/06 criteria (1, 4, 5, 7 and 8), meaning that it not only meets but exceeds the threshold for designation under the Act.

A summary of the subject property's cultural heritage significance is included below:

Dating to c. the 1860s, the Horner House at 11644 Leslie Street has physical value as a representative example of the Gothic Revival Cottage style; historical value for direct associations with the prominent Horner family of Markham Township, and for yielding information about 19th century Pennsylvania German settlers in Markham Township; and contextual value for helping define and maintain the historical agricultural character of northern Leslie Street, and for visual and historical links to its surroundings.

Detailed information on the subject property's cultural heritage value can be found in the "Statement of Significance" (Attachment "A").

Council stated its intention to designate 11644 Leslie Street

In recognition of the subject property's significant cultural heritage value, the Heritage Richmond Hill Committee endorsed staff's recommendations to pursue the designation of the subject property at their meeting on October 3, 2024. Further, Council stated its intention to designate 11644 Leslie Street under Part IV of the Act on October 23, 2024. In accordance with the Act, Notices of Intention to Designate were published on the City website and served on the property owner(s). The statutory objection period for this Notice of Intention to Designate ended on December 4, 2024.

The City Clerk received a Notice of Objection from the owner(s) of 11644 Leslie Street within the timeframe set out in the Act. The Notice of Objection has been included as Attachment "B" to this report.

The Act requires that Council consider and make a decision on an objection within 90 days of the end of the objection period. Council may decide to either affirm, amend, or withdraw its intention to designate. In this case, Council must make a decision by March 4, 2024.

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Should Council affirm its intention to designate the subject properties, it must pass a designation by-law for the property before March 4, 2024, otherwise the Notice of Intention to Designate is deemed to be withdrawn under the provisions of the Act.

Discussion:

Notice of Objection for 11644 Leslie Street

Staff have reviewed the Notice of Objection submitted by the owner(s) of 11644 Leslie Street (Attachment “B”) and provide a summary of key issues below, accompanied by staff comments. Despite the objections raised by the owner(s), staff remain of the opinion that the subject property meets the threshold for designation established by O. Reg. 9/06 and should be designated under the Act to ensure its long-term protection.

Poor Condition and Repair/Maintenance Costs

In the submitted Notice of Objection, the property owner(s) principal concern with the proposed designation is the poor condition of the existing building, and future costs of repair and maintenance should the building be designated under the Act. They specifically note that the house’s stone and mortar foundation is failing, the wooden plank floors are concaving, and the house is not energy efficient, due to its age and construction materials. The owner(s) also state that they fear the proposed designation would force them to maintain the property *“to the standard that the City would require.”*

It is worth noting that the City requires all properties in Richmond Hill, regardless of heritage status, to be maintained consistent with a minimum set of standards outlined in the City’s the Property Standards By-law (By-law 62-24). While there are additional property standards specifically related to the maintenance of a designated heritage property’s identified heritage attributes, the building elements identified by the property owner(s) as being in poor condition (foundation, floors, insulation) are interior/structural elements governed by the general, rather than heritage-specific standards. Therefore, there would be no added onus on the property owner(s) to repair/maintain these elements should the property be designated under the Act. In fact, the City’s Heritage Grant program, which only applies to designated heritage properties, may be able to assist with some repair costs incurred by the property owner(s) should the property be designated.

Further, under the Act, a property’s eligibility for heritage designation is strictly based on the prescribed Provincial criteria which staff must use to assess cultural heritage value. The concerns raised by the property owner(s) in their Notice of Objection about the condition of interior building elements and maintenance costs do not change the cultural heritage significance of the subject property, nor do they affect the property’s eligibility for designation under the Act. Staff remain of the opinion that the subject property meets the threshold for designation established by O. Reg. 9/06 and should be designated under the Act to ensure its long-term protection.

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Additional Points

The Notice of Objection also includes several additional points that are unrelated to the subject property's cultural heritage value, including:

- The fact that the property was not identified on the Heritage Register when the owner(s) bought it in 1987;
- The fact that the building was assessed to have no monetary value by a mortgage appraiser; and
- The owner's offer to donate the subject building to the City.

These matters do not impact the cultural heritage significance of the subject property, nor do they affect the property's eligibility for designation under the Act according to prescribed provincial criteria.

Next Steps

As previously stated, the Act requires that Council consider the Notice of Objection and make a decision to either affirm, amend, or withdraw its intention to designate.

Process and Procedures under Part IV of the Act

Should Council decide to affirm its intention to designate the subject property, next steps will be as follows:

- Council must pass a designation by-law for the property before March 4, 2025, otherwise the Notice of Intention to Designate is deemed to be withdrawn under the provisions of the Act;
- Following the passing of the designation by-law by Council, a Notice of Passing of the by-law will be served on the owner(s) of the property, on any person who served a Notice of Objection, and on the Ontario Heritage Trust;
- Following publication of the by-law, there is a 30-day appeal period during which interested parties can serve notice to the municipality and the Ontario Land Tribunal ("OLT") of their objection to the designation;
- Should no appeal be received within the 30-day appeal period, the designation by-law comes into force;
- Should an appeal be received, the matter will be brought to the OLT for their ruling.

Should Council decide to withdraw its intention to designate the subject property:

- A Notice of Withdrawal will be served on the owner(s) of the property, on any person who served a Notice of Objection, and on the Ontario Heritage Trust; and
- The subject property will be automatically removed from the Heritage Register on January 1, 2027, and will have no further protection from alteration or demolition under the Act.

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Financial Implications:

There are no direct financial implications to the City resulting from this staff report.

Relationship to Strategic Plan 2024-2027:

The long-term conservation and protection of significant cultural heritage resources via designation under the *Ontario Heritage Act* supports Pillar 1 of the Strategic Plan 2024-2027, “Growing a Livable, Sustainable Community”; specifically, it supports Priority 3 of Pillar 1, “*to build and implement a land-use planning vision and regulatory framework while conserving the city’s unique cultural heritage.*”

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment “A”: Statement of Significance – 11644 Leslie Street
- Attachment “B”: Notice of Objection – 11644 Leslie Street

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Report Approval Details

Document Title:	SRPBS.25.001 - Objection to NOID 11644 Leslie Street - City File D12-07275.docx
Attachments:	- SRPBS.25.001_Attachment A_Statement of Significance_11644 Leslie St_AODA.pdf - SRPBS.25.001_Attachment B_Notice of Objection_11644 Leslie St_AODA.pdf
Final Approval Date:	Dec 10, 2024

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

Maria Flores - Dec 10, 2024 - 9:08 AM

Gus Galanis - Dec 10, 2024 - 10:23 AM

Darlene Joslin - Dec 10, 2024 - 2:31 PM