



Staff Report for Council Meeting

Date of Meeting: January 22, 2025

Report Number: SRPBS.25.002

Department: Planning and Building Services

Division: Policy Planning

Subject: SRPBS.25.002 – Objection to Notice of Intention to Designate – 159 Mill Street – City File D12-07334

Purpose:

This report recommends that City Council affirm its intention to designate the Thomas Smith House at 159 Mill 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.25.002 titled "Objection to Notice of Intention to Designate 159 Mill 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 159 Mill Street, be received;
- c) That City Council affirm its intention to designate the subject property at 159 Mill 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.25.002;
- d) That staff be directed to bring a designation by-law for the subject property at 159 Mill 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

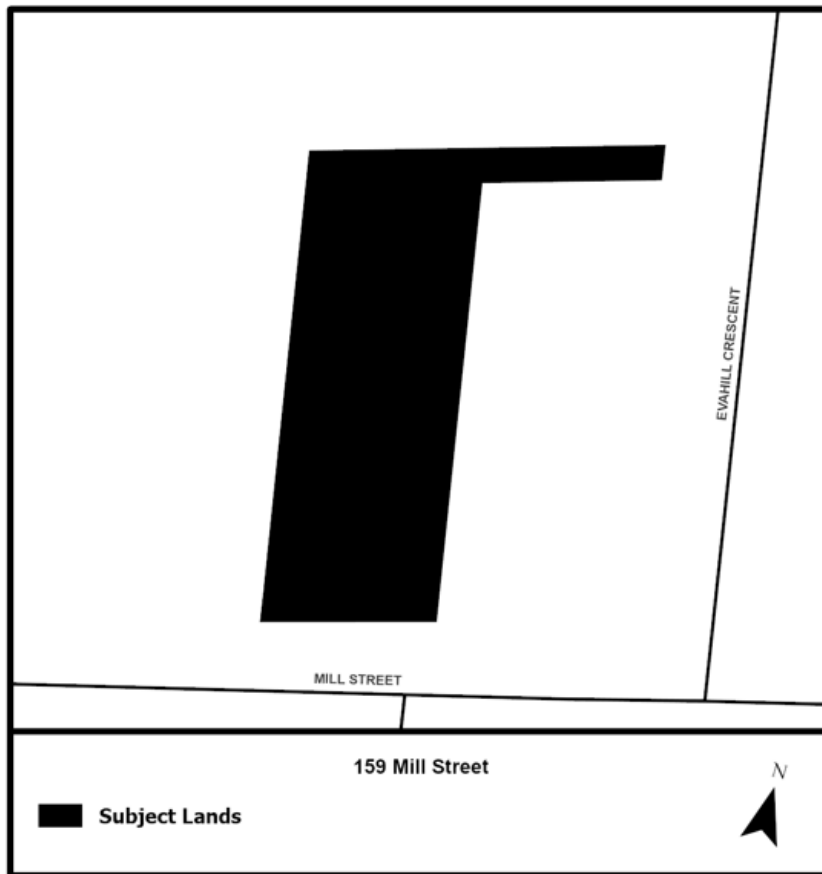
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- Maria Flores, Director of Policy Planning – Tel. 905-771-5438
- Gus Galanis, Commissioner of Planning and Building Services – Tel. 905-771-2465

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:

- Thomas Smith House at 159 Mill 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 three of the O. Reg. 9/06 criteria (1, 4, 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 159 Mill 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 159 Mill 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.

159 Mill 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 three of the nine O. Reg 9/06 criteria (1, 4, 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 1850s, the Thomas Smith House at 159 Mill Street has physical value as a rare surviving example of the Ontario Cottage style in Richmond Hill; historical value for direct associations with early Richmond Hill settler and sawmiller Thomas Smith and the Keall-Empringham family of farmers; and contextual value for functional and historical links to its surroundings on Mill Street.

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 159 Mill 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 159 Mill 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 159 Mill 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 159 Mill Street

Staff have reviewed the Notice of Objection submitted by the owner(s) of 159 Mill 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.

Building Modifications

In the submitted Notice of Objection, the property owner(s) state that the subject building has undergone significant modifications through renovations and additions. However, the property owner does not provide any further detail on these modifications. While staff acknowledge that a rear addition was constructed sometime before 1954, it should be noted that the addition has not been identified as possessing cultural heritage value or attributes in the Statement of Significance, and its physical features will not be protected by a future designation by-law. All identified heritage attributes are limited to the exterior of the historical south portion of the building (see Attachment “C”). It is staff’s professional opinion that regardless of material originality, all identified heritage attributes contribute to the house’s architectural character and should remain in the Statement of Significance, so that they are protected from future alteration or removal.

Therefore, it remains staff’s professional opinion that the historical portion of the Thomas Smith House meets O. Reg. 9/06 criterion 1, as it possesses significant design value as a rare representative example of mid-19th century Ontario Cottage architecture in Richmond Hill. There are few surviving examples of this architectural style in Richmond Hill.

Contextual Changes

The Notice of Objection also notes that there has been considerable contextual change surrounding the Thomas Smith House over time, as the adjoining lands have been subdivided for more modern residential development. Staff acknowledge that the subject dwelling does currently exist in an evolved residential context on Mill Street, which contains both modern and historical built form. However, the contextual value of the subject property is not tied to its being part of a streetscape with a cohesive historical character (O. Reg. 9/06 criterion 7), but rather to the significant historical and functional links that the property continues to share with its surroundings on Mill Street, and the Mill Pond area more broadly (O. Reg. 9/06 criterion 8).

As its name implies, Mill Street was created in the early 19th century as a road leading to an industrial and agricultural area concentrated around the Mill Pond, then located at

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the northwestern periphery of the village. As early industrial and agricultural uses required large amounts of land for production, this early character was inevitably diluted as these large properties were subdivided and developed into smaller residential lots over the course of the 20th century.

Dating to the 1850s, the subject property is one of the earliest remaining buildings on Mill Street. The house has existed in its current location for approximately 170 years and remains functionally linked to the original role of Mill Street as an industrial and agricultural corridor, both through Thomas Smith's employment as a sawmiller in the Mill Pond area, and through the subject property's longstanding use as a farm until at least 1928. The property is also historically and functionally linked to a collection of similar historical properties scattered throughout the Mill Pond area, including the Langstaff Millworkers' Cottage at 249 Mill Street, the John Langstaff Jr. Mill House at 255 Mill Street, the Jesse Good House at 317 Mill Street, the Brickworkers' House at 71 Trench Street, and the William Innes House at 297 Richmond Street. These links persist even though the character of the surrounding streetscape has evolved over time.

Therefore, it remains staff's professional opinion that the Thomas Smith House possesses significant contextual value for historical and functional links to its surroundings on Mill Street (O. Reg 9/06 criterion 8).

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 enactment of the designation by-law by Council, a notice will be served to the owner(s) of the property, to any person who served a Notice of Objection, and to 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 full force and effect;
- 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:

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- a Notice of Withdrawal will be served to the owner(s) of the property, to any person who served a Notice of Objection, and to 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.

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 – 159 Mill Street
- Attachment “B”: Notice of Objection – 159 Mill Street
- Attachment “C”: Photographs – 159 Mill Street

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Report Approval Details

Document Title:	SRPBS.25.002 - Objection to NOID 159 Mill Street - City File D12-07334.docx
Attachments:	- SRPBS.25.002_Attachment A_Statement of Significance_159 Mill St_AODA.pdf - SRPBS.25.002_Attachment B_Notice of Objection_159 Mill St_AODA.pdf - SRPBS.25.002_Attachment C_Photos_159 Mill 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 - 9:09 AM

Gus Galanis - Dec 10, 2024 - 10:24 AM

Darlene Joslin - Dec 10, 2024 - 2:32 PM