



## Staff Report for Council Meeting

Date of Meeting: February 12, 2025

Report Number: SRPBS.25.005

Department: Planning and Building Services

Division: Policy Planning

**Subject: SRPBS.25.005 – Objection to Notice of Intention to Designate – 12345 Yonge Street – City File D12-07497**

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### Purpose:

A request that City Council withdraw the Notice of Intension to Designate 12345 Yonge Street under Part IV, Section 29 of the *Ontario Heritage Act* (the "Act").

### Recommendation(s):

- a) That Staff Report SRPBS.25.005 titled "Objection to Notice of Intention to Designate 12345 Yonge 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 owners of 12345 Yonge Street, be received;
- c) That City Council withdraw its intention to designate the subject property at 12345 Yonge Street under Part IV, Section 29 of the *Ontario Heritage Act*;
- d) That staff be directed to engage in discussions with the property owners and their heritage consultant to further investigate the cultural heritage value of the subject property at 12345 Yonge Street;
- e) That, should access to additional information confirm the subject property's cultural heritage value, staff be directed to report back to a future Committee of the Whole meeting to recommend designation of the property at 12345 Yonge Street under Part IV, Section 29 of the *Ontario Heritage Act* prior to the deadline of December 31, 2026, as per Bill 200; 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

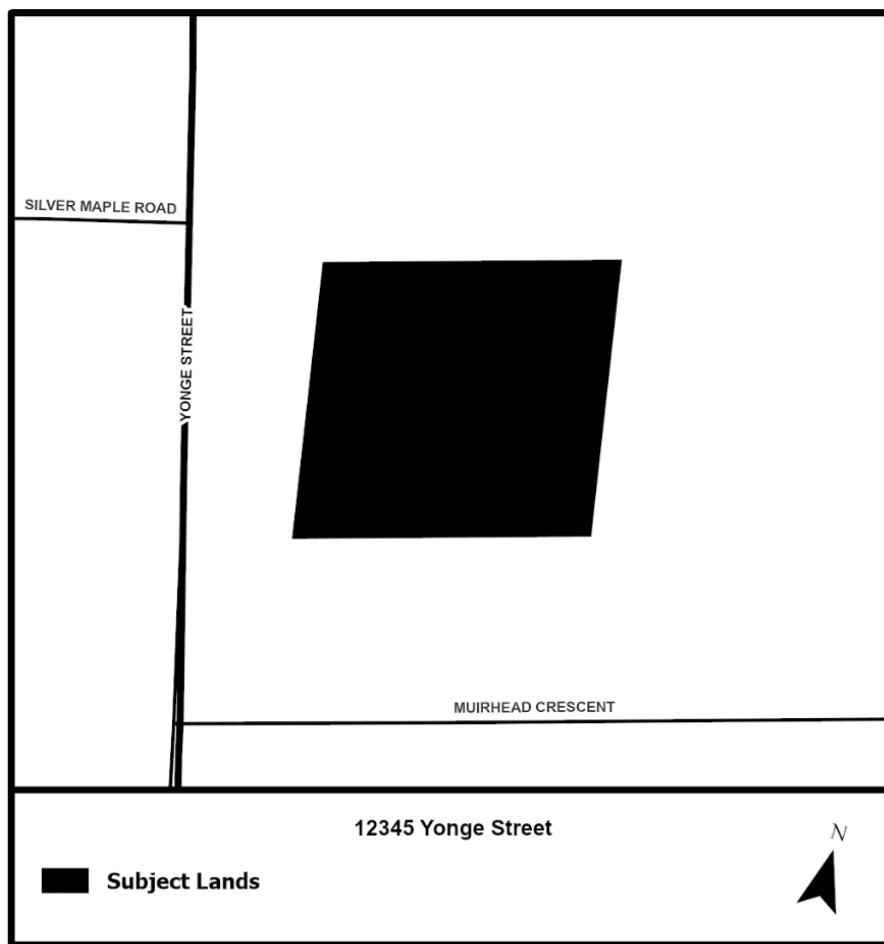
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- Kunal Chaudhry, Manager of Heritage & Urban Design – Tel. 905-771-5562
- Maria Flores, Director of Policy Planning – Tel. 905-771-5438
- Gus Galanis, Commissioner of Planning and Building Services – Tel. 905-771-2465

### 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:



### Key Messages:

- The Ryan-Paxton House at 12345 Yonge Street was thoroughly researched using available research sources, and subsequently evaluated for cultural heritage significance using Provincial (O. Reg. 9/06) criteria;
- Based on limited historical documentation available at the time of research and evaluation, the subject property was found to meet three (3) of the O. Reg. 9/06

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criteria (1, 4, and 8), thus meeting the threshold for designation under Part IV of the *Ontario Heritage Act* (the “Act”);

- However, after reviewing the Notice of Objection submitted on behalf of the property owners, Heritage and Urban Design staff (“staff”) acknowledge that there could be additional information, including private records and/or access to the subject building for a detailed physical inspection, that would supplement the research and evaluation of the subject property and lead to a more accurate determination of cultural heritage value;
- As such, staff are recommending that in this unique circumstance, Council withdraw its intention to designate the subject property so that staff can engage in discussions with the property owners and their heritage consultant to access supplementary information about the history and significance of the subject property outside of the statutory 90-day window to pass a Designation By-law expiring on March 4, 2025; and,
- Council may choose to withdraw, amend, or affirm its 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.

### **12345 Yonge Street was found to meet the threshold for designation under the *Ontario Heritage Act***

The subject property was researched and evaluated for cultural heritage significance using O. Reg. 9/06 criteria. Based on the information available to staff at the time of evaluation, the subject property was found to meet three of the nine O. Reg 9/06 criteria (1, 4, and 8), thus meeting the threshold for designation under the Act.

However, it is important to note that in some cases, and particularly for rural properties with limited historical documentation such as the Ryan-Paxton House, heritage research and evaluation is based on informed deductions and interpretations of available information, as opposed to explicit building documentation such as archival photographs and architectural drawings. Further, in the case of the Ryan-Paxton House, a detailed investigation of the subject building's construction methods and materials to support the estimated date of construction was not possible due to the house's 140-foot setback from Yonge Street.

### **Council stated its intention to designate 12345 Yonge Street**

Based on the information available at the time of research and evaluation, staff recommended that the Heritage Richmond Hill committee endorse staff's recommendations to pursue the designation of the subject property at its meeting on October 3, 2024. Subsequently, Council stated its intention to designate 12345 Yonge 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 owners. 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 owners of 12345 Yonge 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 withdraw, amend, or affirm its intention to designate. In this case, Council must make a decision before March 4, 2024.

If a Designation By-law for the property is not enacted by March 4, 2024, the Notice of Intention to Designate is deemed to be withdrawn under the provisions of the Act.

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### Discussion:

#### Notice of Objection for 12345 Yonge Street

Staff have reviewed the Notice of Objection submitted by Eileen Costello (Partner, Aird & Berlis LLP), on behalf of the owners of 12345 Yonge Street (Attachment “B”), and note the request for additional time to hire a heritage consultant and engage in discussions with staff regarding the history and cultural heritage value of the subject property.

While such a request would not typically be supported by staff, it is staff’s opinion that this request is reasonable in this unique case for the following reasons:

- due to the limited building documentation available to staff at the time of research and evaluation, it is possible that the owners have access to additional information (such as archival photographs, property surveys, architectural drawings, etc.) that may supplement the research and evaluation of the subject property and lead to a more accurate determination of cultural heritage value; and,
- due to the subject building’s large (140-foot) setback from Yonge Street, a detailed physical investigation of the subject property’s construction methods and materials to support the estimated date of construction was not possible. Access to the property and building exterior and interior may lead to a more accurate identification of cultural heritage value and heritage attributes.

As a result, staff are recommending that in this unique circumstance Council withdraw its intention to designate the subject property, so that staff can engage in discussions with the property owners and their heritage consultant outside of the statutory 90-day window, that expires on March 4, 2025, to pass a Designation By-law.

In addition to the above, staff would also like to note that the recommended withdrawal is not related to the property owners’ claim of insufficient time to complete “basic due diligence” on the proposed designation. Staff note that the property owners were first informed of the intention to designate their property via a courtesy letter sent on September 23, 2024. As the statutory 30-day objection period ended on December 4, 2024, this means that the property owners had over 10 weeks to perform their own due diligence on the proposed designation. This extended notification period, which the City provides to property owners as a courtesy, is beyond the 30-days mandated by the Act.

Thus, staff are recommending a withdrawal of the intention to designate, not because insufficient time has been granted to the property owners, but because we believe that additional information provided by the property owners and/or their professional heritage consultant beyond the limited sources available to staff may result in a more informed and accurate determination of the subject property’s cultural heritage value.

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### Next Steps

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

### Process and Procedures under Part IV of the Act

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

- A Notice of Withdrawal will be served on the owners of the property, on any person who served a Notice of Objection, and on the Ontario Heritage Trust;
- Should additional information and building investigations affirm the subject property's cultural heritage value, Council may pursue designation of the subject property de novo in the future.

Conversely, should Council decide to affirm its intention to designate the subject property:

- Council must pass a Designation By-law for the property by 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 owners 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.

### 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."

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### **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 – 12345 Yonge Street
- Attachment “B”: Notice of Objection – 12345 Yonge Street

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### Report Approval Details

Document Title:	SRPBS.25.005 - Objection to NOID 12345 Yonge Street - City File D12-07497.docx
Attachments:	- SRPBS.25.005_Attachment A_Statement of Significance_12345 Yonge St_AODA.pdf - SRPBS.25.005_Attachment B_Notice of Objection_12345 Yonge St_AODA.pdf
Final Approval Date:	Jan 20, 2025

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

**Maria Flores - Jan 20, 2025 - 11:41 AM**

**Gus Galanis - Jan 20, 2025 - 11:43 AM**

**Darlene Joslin - Jan 20, 2025 - 1:35 PM**