



Staff Report for Council Meeting

Date of Meeting: February 12, 2025

Report Number: SRPBS.25.006

Department: Planning and Building Services

Division: Policy Planning

Subject: SRPBS.25.006 – Objection to Notice of Intention to Designate – 13 Church Street South – City File D12-07147

Purpose:

A request that City Council affirm its intention to designate 13 Church Street South under Part IV, Section 29 of the *Ontario Heritage Act* (the "Act"), consistent with the Council decision made on October 23, 2024.

Recommendation(s):

- a) That Staff Report SRPBS.25.006 titled "Objection to Notice of Intention to Designate 13 Church Street South" 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 of 13 Church Street South, be received;
- c) That City Council affirm its intention to designate the subject property at 13 Church Street South 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.25.006;
- d) That staff be directed to bring a Designation By-law for the subject property at 13 Church Street South 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.

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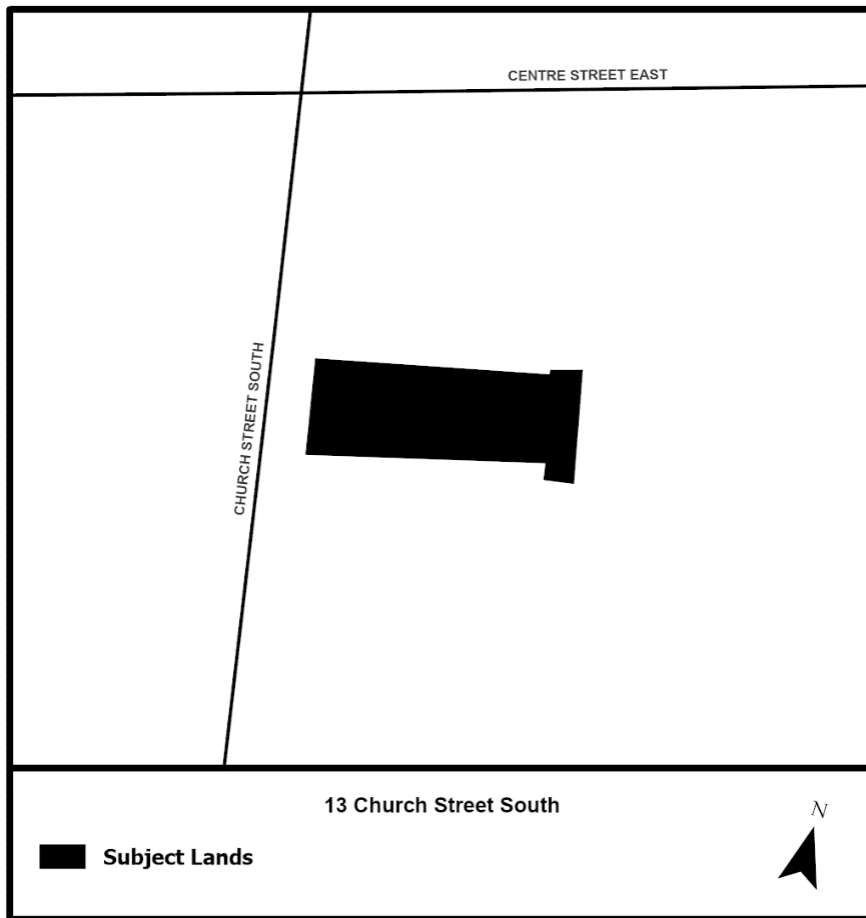
Contact Person(s):

- Julia Smith, Urban Design/Heritage Planner – Tel. 905-747-6305
- 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:



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Key Messages:

- The Graham-Young House at 13 Church Street South 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 four (4) of the O. Reg. 9/06 criteria (1, 4, 6 and 7), 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 13 Church Street South by adopting a Notice of Intention to Designate the property on October 23, 2024;
- The City received an objection to Council’s Notice of Intention to Designate from Meaghan Barrett (Partner, Aird & Berlis LLP) on behalf of the property owner of 13 Church Street South within the statutory timeframe;
- Heritage and Urban Design staff (“staff”) have reviewed the objections raised by Meaghan Barrett (Partner, Aird & Berlis LLP) on behalf of the property owner, and remain of the opinion that the property at 13 Church Street South merits heritage designation to ensure its long-term protection;
- 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;

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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;
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.

13 Church Street South 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 four of the nine O. Reg 9/06 criteria (1, 4, 6 and 7), 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 1917, the Graham-Young House at 13 Church Street South has physical value as a representative example of a vernacular early-20th-century residential architectural style that incorporates elements of Queen Anne Revival and Edwardian design; historical value for direct associations with significant Richmond Hill developer and builder William Graham, and significant Canadian astronomer Reynold Kenneth Young; and contextual value for helping define and maintain the predominantly late-19th and early-20th-century residential character of Church Street South.

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 13 Church Street South

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 13 Church Street South 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. The statutory objection period for this Notice of Intention to Designate ended on December 4, 2024.

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The City Clerk received a Notice of Objection to the proposed designation from Meaghan Barrett (Partner, Aird & Berlis LLP) on behalf of the property owner 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 before March 4, 2024.

Should Council affirm its intention to designate the subject property, it must pass a Designation By-law for the property by 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 13 Church Street South

Staff have reviewed the Notice of Objection submitted by Ms. Barrett on behalf of the owner of 13 Church Street South (Attachment “B”). A summary of key issues in the objection are provided below, accompanied by staff comments. Despite the points raised in the Notice of Objection, 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.

Design Value

In the submitted Notice of Objection, Ms. Barrett states that the subject building is not sufficiently representative of any architectural style to warrant designation under the Act. However, Ms. Barrett also notes that there are several properties in the City “constructed in a similar time period and in a similar style” to the subject building, suggesting that the Graham-Young house is indeed legible as and representative of a specific architectural style from a specific time period, and is a direct contradiction of their first statement. It remains staff’s opinion that the Graham-Young house is a representative example of a distinct vernacular early-20th-century residential architectural style blending elements of Queen Anne Revival and Edwardian design.

In the Notice of Objection, Ms. Barrett also states that the subject building is not unique in style, design, materials, or construction methods. However, uniqueness of design was never claimed in the property’s Statement of Significance. According to O. Reg 9/06 Criterion 1, a property is considered to have design or physical value if it is either a unique or representative example of a style. Therefore, simply being representative of an architectural style, as is the case with the subject property, is sufficient to meet O. Reg. 9/06 Criterion 1.

Therefore, it remains staff’s professional opinion that the Graham-Young House meets O. Reg. 9/06 Criterion 1, as it possesses significant design value as a representative

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example of a vernacular early-20th-century residential architectural style that incorporates elements of Queen Anne Revival and Edwardian design.

Building Modifications

In the submitted Notice of Objection, Ms. Barrett states that the subject building has been modified over the years. In particular, Ms. Barrett notes that a rear addition was constructed in the 1970s, and that nearly all windows in the building have been replaced. Ms. Barrett also claims that the subject property's Statement of Significance contains imprecise heritage attributes because of these modifications.

Staff acknowledge that a rear addition to the house was constructed in the 1970s. However, it should be noted that this rear addition is not highly visible from the public realm (see Figures 1 and 2 in Attachment "C") and does not significantly impact the legibility of the house's architectural style or important features. Further, the Statement of Significance for 13 Church Street South explicitly states that the rear addition does not possess heritage attributes, meaning that the addition will not be protected through a Designation By-law.

Staff also acknowledge that the house now features modern vinyl windows. For this reason, the window units themselves have not been included as heritage attributes in the Statement of Significance.

Considering the above, staff disagree with Ms. Barrett's claim that the Statement of Significance contains imprecise heritage attributes. It remains staff's professional opinion that the historical front portion of the Graham-Young House, to which all heritage attributes are scoped, meets O. Reg. 9/06 Criterion 1 as a representative example of an architectural style.

Insufficient Historical Context

Ms. Barrett notes that there is insufficient historical context immediately surrounding the Graham-Young House to justify designation on the grounds of contextual value. Specifically, she references the presence of a surface parking lot on the opposite side of Church Street, and the Elgin Barrow Arena located three lots south of the subject property as compromising the historical character of the immediate surrounding context. However, when assessing a property's context for the purposes of evaluation under O. Reg 9/06, it is important to consider not only immediately surrounding properties, but also the broader character of nearby streetscapes to get a more representative picture of contextual trends and themes.

Within this broader context, it is evident that the examples noted by Ms. Barrett are exceptions, rather than the rule, in the predominately early-20th-century residential neighbourhood located east of Yonge Street and north of Major Mackenzie Drive East. This area, which includes Church Street as well as Roseview Avenue and Centre Street East, was largely subdivided and developed as additional housing stock during an unprecedented period of growth in the village during the 1910s and 1920s. As a result,

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this area generally reflects the built and landscape features of an early-20th-century residential neighbourhood. This includes common building forms and massing, materials, road and lot widths, building setbacks, and landscape features such as lawns and mature tree canopy, which together create a cohesive contextual character. The concentration of historical properties in the area around the subject property can be seen in Figure 3 of Attachment “C”.

Therefore, it remains staff’s professional opinion that the Graham-Young House meets O. Reg. 9/06 Criterion 7 for being important in defining and maintaining the character of its surroundings on Church Street, and of the residential neighbourhood east of Yonge Street and north of Major Mackenzie Drive more broadly.

Siting and Orientation

Ms. Barrett notes that the property was subject to a severance in 2009 (see Figure 4 of Attachment “C”), hence claiming that the proposed heritage attribute of the house’s “siting and orientation” on Church Street is inappropriate. However, archival documentation confirms that the subject property and the severed parcel were historically separate lots, as opposed to one large property as argued by Ms. Barrett. Land Registry records show that William Graham acquired the subject property, which has a 60’ frontage on Church Street South, in 1917. Graham then built the subject building on this original 60’ lot that same year. Graham later acquired the lands to the north of the subject property (now containing the severed parcel) five years later in 1922. Historical maps from 1923 and 1960 also show the subject property and the severed parcel as separate lots (Figures 5 and 6 of Attachment “C”). The fact that this northern parcel was later re-severed from the original 60’-wide lot in 2009 has no impact on the subject building’s location or orientation on the east side of Church Street South.

Therefore, it remains staff’s professional opinion that the Graham-Young House’s “siting and orientation on the east side of Church Street South” remains an accurate and appropriate heritage attribute tied to both the house’s historical and contextual value.

Acknowledged Historical Value

In the submitted Notice of Objection, Ms. Barrett acknowledges the subject property’s historical value for ties to William Graham, a significant builder and developer in Richmond Hill during the village’s “boom years” in the 1910s and 1920s. Graham built and resided in the subject dwelling from 1917 until his death in 1924. However, Ms. Barrett questions whether the property’s connection to Graham alone meets two O. Reg. 9/06 criteria. It is staff’s professional opinion that Graham’s association with the house does meet two O. Reg. 9/06 criteria, as the house is both associated with him as an owner and resident (O. Reg. Criterion 4) and representative of his work as a builder in Richmond Hill (O. Reg. 9/06 Criterion 6). These two distinct criteria exist independently and are not mutually exclusive.

Further, Ms. Barret neglects to acknowledge the subject property’s additional historical value for direct associations with Reynold Kenneth Young, a significant Canadian

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astronomer and Director of the David Dunlap Observatory who lived in the subject dwelling for nearly three decades from 1936 to 1964.

Therefore, staff reiterates that the Graham-Young House meets O. Reg. 9/06 Criterion 4 for direct links to significant Richmond Hill builder and Developer William Graham, and for direct links to significant Canadian astronomer Reynold Kenneth Young. Further, it remains staff's professional opinion that the subject property also meets O. Reg 9/06 Criterion 6 for demonstrating the work of William Graham as a builder in Richmond Hill.

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 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 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 effect; and,
- 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.

Financial Implications:

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

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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 – 13 Church Street South
- Attachment “B”: Notice of Objection – 13 Church Street South
- Attachment “C”: Photographs and Images – 13 Church Street South

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Report Approval Details

Document Title:	SRPBS.25.006 - Objection to NOID 13 Church Street South - City File D12-07147.docx
Attachments:	- SRPBS.25.006_Attachment A_Statement of Significance_13 Church St S_AODA.pdf - SRPBS.25.006_Attachment B_Notice of Objection_13 Church St S_AODA.pdf - SRPBS.25.006_Attachment C_Images_13 Church St S_AODA.pdf
Final Approval Date:	Jan 21, 2025

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

Maria Flores - Jan 21, 2025 - 11:50 AM

Gus Galanis - Jan 21, 2025 - 11:50 AM

Darlene Joslin - Jan 21, 2025 - 3:15 PM