

Heritage Vaughan Committee Report

DATE: Wednesday, April 24, 2024

WARD: 4

TITLE: PROPOSED DESIGNATION UNDER PART IV OF THE ONTARIO HERITAGE ACT OF 2057 MAJOR MACKENZIE DRIVE WEST

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Heritage Vaughan Committee’s support and recommend to the Committee of the Whole approval for the proposed designation of the property municipally known as 2057 Major Mackenzie Drive (known as “The Joshua Oliver House”) located on the south side of Major Mackenzie Drive West between Keele Street and Dufferin Street (as shown on Attachment 1).

Report Highlights

- The report proposes the designation of 2057 Major Mackenzie Drive West, a 1 storey stone house.
- The property holds physical, associated, and contextual cultural heritage value as described in the attached Statement of Cultural Heritage Value.
- The designation of this property meets the policies of the Vaughan Official Plan and the objectives and required criteria outlined in the *Ontario Heritage Act* by the Province of Ontario Regulation 9/06.

Recommendations

THAT Heritage Vaughan recommend Council approve the proposed development as presented, subject to following conditions:

1. That Council approve the recommendation of the Heritage Vaughan Committee to designate 2057 Major Mackenzie Drive West in accordance with Part IV, Section 29 of the *Ontario Heritage Act* R.S.O. 1990, c. O.18.
2. That Staff be authorized to publish and serve the Notice of Intention to Designate in accordance with the requirements under; Part IV, Section 29 of the Ontario Heritage Act R.S.O 1990, c.O.18 to the Ontario Heritage Trust, the Property Owner (City of Vaughan), and published in the local newspapers.

3. If no objection is served on the City Clerk within 30 days of the date of publication of the Notice of Intention, Council shall pass a by-law designating 2057 Major Mackenzie Drive West and a copy of the by-law shall be served on the Owner (City of Vaughan) and Ontario Heritage Trust and a notice shall be published in the local newspapers.

Background

Built in 1837, 2057 Major Mackenzie Drive West (the Joshua Oliver House) has been recognized as a significant heritage building as early as the 1940's with articles in the Richmond Hill Liberal newspaper as shown in Attachment 2. Subsequent local histories have singled out its unique construction and association with early Vaughan history.

It has been formally Listed under Section 27 of the *Ontario Heritage Act* since 2005. Further research from City of Vaughan Cultural Heritage staff has confirmed that the cultural heritage value of 2057 Major Mackenzie Drive West meets the criteria set out under OHA Regulation 9/06 for physical, associative and contextual cultural heritage value. A complete designation report that outlines these values is included herewith.

Previous Reports/Authority

Committee of The Whole – August 31, 2010

Official Plan Review – Volume 1 City-Wide Policies Response to Public, Government and Agency Submissions

https://meetingarchives.vaughan.ca/committee_2010/pdf/CWA0831_53.pdf

City Of Vaughan Council Minutes September 7, 2010

https://meetingarchives.vaughan.ca/council_2010/pdf/0907-10council%20minutes.pdf

Extract From Council Meeting Minutes of May 23, 2018

https://www.vaughan.ca/sites/default/files/CW_0508_18_2.pdf?file-version=1711052607478

Ontario Land Tribunal/Local Planning Appeal Tribunal, September 7, 2018

<https://www.omb.gov.on.ca/e-decisions/PL170305-SEP-07-2018.pdf>

Committee of the Whole (2), June 21, 2022 [2640174 Ontario Limited Site Development File Da.19.070 2057 Major Mackenzie Drive West Vicinity of Major Mackenzie Drive And Peter Rupert Avenue](#)

Analysis and Options

In June 2019, the *More Homes, More Choice Act*, 2019 (Bill 108) received Royal Assent. Schedule 11 of this Act included amendments to the *Ontario Heritage Act* ('OHA').

The Bill 108 Amendments to the OHA came into force on July 1, 2021, and include a shift in Part IV designations related to certain Planning Act applications. These changes affect Section 29(1.2) of the OHA which now restricts City Council's ability to give notice of its intention to designate a property under the Act to within 90 days after the City Clerk gives notice of a complete application.

The Bill 23, the *More Homes Built Faster Act, 2022*, Amendments to the OHA that came into force on January 1, 2023 mandates the municipalities to remove properties from the heritage register under section 27 if they do not pass a by-law designating the property on the second anniversary of the bill coming into force (January 1, 2025).

In light of this new legislation, it is imperative for City of Vaughan staff to identify cultural heritage properties that are currently Listed under Section 27 of the OHA or identified as a property of interest to be evaluated as a candidate for designation under Part IV, Section 29 of the OHA. The Province has amended O. Reg. 9/06 under the *Ontario Heritage Act*, which establishes nine provincial criteria for determining whether a property is of cultural heritage value or interest if it meets two or more of the nine criteria.

As set out in Vaughan's Official 2010 Plan, the City of Vaughan states that it is the policy of Council to:

6.1.1.1. To recognize and conserve cultural heritage resources, including heritage buildings and structures, Cultural heritage landscapes, and other cultural heritage resources, and to promote the maintenance and development of an appropriate setting within, around and adjacent to all such resources.

6.1.2.6. That the City shall use criteria established by Provincial regulation under the Ontario Heritage Act for determining cultural heritage value or interest and for identifying and evaluating properties for listing in the Heritage register and for designation under Part IV of the Ontario Heritage Act. The City may further refine these criteria and provide guidelines for their use through the Vaughan Heritage Conservation Guidelines.

6.1.2.7. Any property worthy of designation under Part IV of the Ontario Heritage Act that fulfills one or more of the criteria identified in policy 6.1.2.6 will be considered to possess cultural heritage value.

6.2.1.1. To make full use of the provisions of Provincial legislation, such as the *Ontario Heritage Act, Planning Act, Municipal Act* and *Environmental Assessment Act*, to protect and conserve cultural heritage resources in Vaughan.

Following a thorough examination of archival documentation, staff finds that the subject property holds cultural heritage value and meets the criteria set out under the *Ontario Heritage Act* by the Province of Ontario Regulation 9/06 for the categories of design/physical, historical/associative and contextual value.

The Oliver House has been noted as a significant heritage property in Vaughan for several decades, with one of the earliest mentions being a 1946 article newspaper in the Richmond Hill Liberal mentions that “This lovely historic old house has been in the Oliver name for over 100 years” as shown in Attachment 5.

Further research in the 1950’s and 1960’s later done by local historians in Vaughan Township and later the Town of Vaughan brought additional property information to light, namely that the property had been bought in 1836 by a David Porter and that the house had been built by him and his brother in 1837. The finishing of the house was delayed due to David Porter’s arrest in connection with supporting the 1837 Rebellion and he was held in the Kingston Penitentiary for several months until he was pardoned and returned home in 1838.

A previous effort to designate the property under Part IV of the *Ontario Heritage Act* did not move forward due to the concerns of the then-owner that development of the lands would not be possible. Despite the fact that designation does not prevent development of a property – so long as the heritage attributes are retained – a compromise was reached at the August 31, 2010, Committee of the Whole meeting whereby the house would remain formally Listed under Section 27 of the *Ontario Heritage Act* and:

1. That Schedule 13-O be amended to redesignate the lands from Low-Rise-Residential to Mid-Rise Residential with a maximum building height of 4 storeys and FSI of 1.5.
2. That a site-specific exception be included in Volume 2, respecting these lands including the following policies.

“The following policies shall apply to the lands identified as 2057 Major Mackenzie Drive:

- a. the existing heritage building shall be maintained, protected preserved, and appropriately integrated with the new development on the property in accordance with the policies of the Official Plan;*
- b. existing vegetation should be preserved to the greatest extent possible through the site plan review process;*
- c. all required tenant parking spaces shall be located underground and limited visitor parking may be permitted above grade, subject to site plan approval;*
- d. the overall development of the lands shall be subject to a comprehensive site plan approved by Council, together with the submission of the following reports to be approved through consideration of a site plan application:*

- i. *heritage building preservation plan and architectural design brief guidelines;*
- ii. *existing vegetation assessment and tree preservation plan;*
- iii. *landscape master plan;*
- iv. *shadow study;*
- v. *noise study;*
- vi. *traffic impact study; and,*
- vii. *any other reports considered appropriate by the City as set out in Section 10.1.3 of the Official Plan.”*

These recommendations were formally approved by Council at its September 7, 2010 meeting.

In 2014, a Zoning By-law Amendment application to re-zone the property requested to allow for the redevelopment of several townhouses on the property. For several reasons, the application was appealed to the Ontario Land Tribunal (OLT), then called at the Local Planning Appeals Tribunal (LPAT), that resulted in a September 2018 ruling that allowed the re-zoning of the property and affirming the retention of the Oliver House stating:

“The subject lands are currently occupied by the Joshua Oliver House which is considered to have historical significance worthy of retention and therefore, the ultimate location and reuse of the structure will become one of the organizing constraints of the site.”

The full decision is shown on Attachment 3.

Subsequent to the decision of the OLT, a Site Plan application was submitted that would retain the Oliver House and allow for several townhouses centered around it and would have provided for the eventual designation of the property. The Oliver House itself would be modified into a 2-unit dwelling, with minimal alterations from its current layout. This application was scheduled to be reviewed at a Committee of the Whole in late spring or early summer of 2022. Photos of the property from that time are shown in Attachment 4.

On Friday May 6, 2022, a significant fire broke out on the property and the house was severely damaged. However, as the house is built from stone, while much of the original wood floors, overhead joists and frames were destroyed, the stone wall of the house itself remained. As most of the listed physical heritage attributes regarding the property of the house focused on the stone attributes, the restoration and reuse of the stone house was retained in the Site Plan conditions listed in the June 21, 2022, Committee of the Whole report. These may be found in the June 28 Council Extracts shown in Attachment 5.

A recent staff Site Visit to the property on March 5, 2024, comprised of staff from By-Law Enforcement, Building Department, Urban Design, and Cultural Heritage confirmed that the property remains in the same condition as in May of 2022 following the fire. Further recommendations for the property’s protection may be found below, and a current Statement of Cultural Heritage Value may be read in Attachment 2.

Currently, the subject property has not been secured or cleared of fire debris since the May 6, 2022 fire. The securing of the property and the re-integration of the stone structure into the development remains a non-negotiable requirement of the Site Plan approval, which has yet to be executed. By designating the property, the remaining cultural heritage value of the property will be clarified, allowing the Site Plan to move forward.

Designation Comments

ADDRESS: 2057 Major Mackenzie Drive West
 LEGAL: Concession 3, Part Lot 20, East Half

EVALUATION UNDER O.REG 9/06 CRITERIA

Ontario Regulation 9/06 made under the *Ontario Heritage Act* establishes nine criteria for determining cultural heritage value or interest. A property may be designated under Section 29 of the OHA if it meets two or more of these criteria. The following evaluation tables identify the application of each criterion as “N/A” (not applicable) or “X” (applicable) to the property, with explanatory text below.

1. DESIGN OR PHYSICAL VALUE

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	X
▪ displays high degree of craftsmanship or artistic merit	X
▪ demonstrates high degree of scientific or technical achievement	N/A

Originally built in 1837, it is an example of Cottage Orn  that is still in evidence through:

- One-storey original structure built in the Picturesque Cottage Orn  style;
- Coursed rubble construction of the Cottage Orn ;
- Large quoin stones forming the corners of the Cottage Orn ;
- Unusual tall fenestration of the Cottage Orn  possibly representing the location of former entrances;

2. HISTORICAL OR ASSOCIATIVE VALUE

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	X
▪ yields, or has the potential to yield, information that contributes to an understanding of a community or culture	X
▪ demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	X

It is associated with David Porter, born in Canada in 1795, who was a veteran of the 1812 War and supported the rebels of the 1837 Rebellion – which ultimately led to the concept of “Responsible Government” and the Baldwin Act of 1849 establishing those principles. Also associated with the Oliver family, a significant settler family of Maple, who farmed in the community for 100 years.

3. CONTEXTUAL VALUE

The property has contextual value because it is	
▪ important in defining, maintaining or supporting the character of an area	X
▪ physically, functionally, visually or historically linked to its surroundings	X
▪ a landmark	X

The property was a landmark for decades along Major Mackenzie Drive in Vaughan. Although road works and tree overgrowth had removed some of its roadway presence, it is a significant feature in the surrounding neighbourhood and can be seen from across street by the Maple Cemetery and from the east facing windows of City Hall.

The property is a visible reminder of Vaughan’s agricultural history, and the use of local materials as part of local settlement and construction as a surviving stone residence from the 1830’s. Its location and orientation are a remnant of early settlement in Vaughan and it remains associated with its agricultural and political landscapes.

Financial Impact

There are no Financial Impacts associated with this report.

Operational Impact

There are no Operational Impacts associated with this report.

Broader Regional Impacts/Considerations

There are no Regional impacts or considerations for this application.

Conclusion

Staff finds that, as examined from archival documentation and through site visits, the subject property holds cultural heritage value and meets the criteria of criteria as set out under the *Ontario Heritage Act* by the Province of Ontario Regulation 9/06 for the categories of design/physical, historical/associative and contextual value.

The Development Planning Department is satisfied the proposed designation of 2057 Major Mackenzie Drive West conforms to the policies of the Vaughan Official Plan and the objectives and criteria of the *Ontario Heritage Act*. Accordingly, staff can support a Heritage Vaughan recommendation for Council approval of the proposed designation of 2057 Major Mackenzie Drive West under the *Ontario Heritage Act*.

For more information, please contact: Katrina Guy, Heritage Coordinator, ext. 8115.

Attachments

- Attachment 1 - 2057MajorMac_Location Map
- Attachment 2 - 2057MajorMac_Statement of Cultural Heritage Value
- Attachment 3 - 2057MajorMac_OLT Decision (2018)
- Attachment 4 - 2057MajorMac_photos
- Attachment 5 - 2057MajorMac_The Liberal Maple Jan 1946
- Attachment 6 - 2057MajorMac_2016 CHIA

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