

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 47, Report No. 25, of the Committee of the Whole, which was adopted without amendment, by the Council of the City of Vaughan via recorded vote on June 25, 2024:

47. RESPONSE TO NOTICE OF OBJECTION TO THE NOTICE OF INTENT TO DESIGNATE 271 VALLEY VISTA DRIVE UNDER PART IV OF THE ONTARIO HERITAGE ACT

The Committee of the Whole recommends:

1. That the Notice of Intent to Designate 271 Valley Vista Drive under Part IV of the *Ontario Heritage Act*, be withdrawn;
2. That the report of the Deputy City Manager, Planning and Growth Management, dated June 18, 2024, be received; and
3. That the comments and communication of the following speaker be received:
 1. Emma Abramowicz, ERA Architects, Church Street, Toronto, and Communication C92., dated June 18, 2024.

Recommendations

1. That the Notice of Objection to the Notice of Intent to Designate 271 Valley Vista Drive under Part IV of the *Ontario Heritage Act* (as shown on Attachment 2) be received;
2. That City Council consider the Notice of Objection dated May 15, 2024, and affirm its decision of March 26, 2024, stating its intention to designate the subject property at 271 Valley Vista Drive under Part IV of the *Ontario Heritage Act*;
3. That the By-law to designate 271 Valley Vista Drive under Part IV of the *Ontario Heritage Act*, which will be prepared in a form satisfactory to the City, be approved and enacted by City Council.

Committee of the Whole (2) Report

DATE: Tuesday, June 18, 2024

WARD(S): 4

TITLE: RESPONSE TO NOTICE OF OBJECTION TO THE NOTICE OF INTENT TO DESIGNATE 271 VALLEY VISTA DRIVE UNDER PART IV OF THE ONTARIO HERITAGE ACT

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To provide Council with information, analysis, and options regarding the Notice of Objection to the City's Notice of Intent to Designate (NOID), and to recommend to the Committee of the Whole **not to withdraw the Notice of Intent to Designate** the subject property municipally known as 271 Valley Vista Drive (as shown on Attachment 1), but to proceed with enacting the By-law to designate The Velie-Graham House at 271 Valley Vista Drive, Vaughan, under Part IV of the *Ontario Heritage Act*.

Report Highlights

- The Owner(s) served a Notice of Objection to the Notice of Intent to Designate 271 Valley Vista Drive on May 15, 2024
- Staff reviewed the objection, and has made revisions to the designation documents in consultation with Owner's representatives.
- Staff recommend the City proceed to designate 271 Valley Vista Drive and approve the Designation By-law under Part IV of the *Ontario Heritage Act*.

Recommendations

1. That the Notice of Objection to the Notice of Intent to Designate 271 Valley Vista Drive under Part IV of the *Ontario Heritage Act* (as shown on Attachment 2) be received;

2. That City Council consider the Notice of Objection dated May 15, 2024, and affirm its decision of March 26, 2024, stating its intention to designate the subject property at 271 Valley Vista Drive under Part IV of the *Ontario Heritage Act*,
3. That the By-law to designate 271 Valley Vista Drive under Part IV of the *Ontario Heritage Act*, which will be prepared in a form satisfactory to the City, be approved and enacted by City Council.

Background

Cultural Heritage staff submitted a report proposing Designation of the subject property at 271 Valley Vista Drive for Heritage Vaughan Committee recommendation to City Council, on February 28, 2024. This was reviewed at Committee of the Whole (2) on March 19, 2024, and Council affirmed its Intent to Designate by publishing the intent on March 26, 2024.

An Objection to Designation was received on May 15, 2024, from David Tang (Miller Thompson LLP, lawyers for the property owner), see Attachment 2. Cultural Heritage staff opened communications with the property owner's lawyers and their heritage consultants shortly thereafter.

Previous Reports/Authority

[Heritage Vaughan Committee](#) – February 28, 2024

[Committee of the Whole \(2\)](#) – March 19, 2024

[Council meeting](#) – March 26, 2024

Analysis and Options

The Letter of Objection (see Attachment 2) states that the owner objects only to select elements identified in the Statement of Cultural Heritage Significance as presented with the staff report and identifies which specific elements are petitioned to be removed from the designation consideration.

Staff has had continued engagement with the landowner's heritage consultants, discussing the merits of designation as well as alternative options, including the possibility of amending the by-law under Section 30 (1).2 of the Act in the future. Revisions to the Statement of Cultural Heritage Significance were made in accordance with the request and conversations with the heritage consultants (see Attachment 3).

ALTERNATIVES FOR CONSIDERATION

Under Section 29 (6) of the *Ontario Heritage Act*, City Council may decide whether or not to withdraw the Notice of Intent to Designate the property. A Notice of Intent to Designate was served onto the property owner(s) and was published on the City's

website. By withdrawing the Notice of Intent to Designate, a Notice of Withdrawal would be served onto the owner(s) and a copy would be posted on the City's website.

1. Decline the Notice of Objection

By declining the objection, Council affirms the City's decision to designate the property and adopt the Designation By-law. The goal of designation is to ensure the City encourage the rehabilitation, renovation and restoration of built heritage resources to appropriately manage, conserve and protect Vaughan's cultural heritage.

- Cultural Heritage staff, in collaboration with the owner's heritage consultants, have revised the Statement of Cultural Heritage Value.
- The subject property continues to meet 6 of the 9 possible criteria under O.Reg. 9/06 where a minimum of only 2 criteria are required for designation candidacy.
- Protection of the property is consistent with both provincial, regional, and local policy which directs the City must conserve significant built heritage resources.

Should the designation proceed, the Owner(s) may appeal the designating by-law to the Ontario Land Tribunal (OLT) once the designating by-law has been passed, notice has been provided, and by-law has been published in accordance with Section 29(8) of the *Ontario Heritage Act*. Through an appeal under s. 29 of the OHA, there is an opportunity for heritage attributes to be modified during the appeal process, should the OLT deem it appropriate. The decision of the OLT is binding.

2. Withdraw the Notice of Intent to Designate

Council could choose this option if it is convinced by the Notice of Objection claim that the building does not possess the cultural heritage value identified by Cultural Heritage staff. It should also be noted that should Council decide not to proceed with a Notice of Intention to Designate, that the building will be removed from the City's Municipal Heritage Register. Once removed, it cannot be re-listed on the Register again for five (5) years, i.e., January 1, 2032.

- Designation does not restrict the legal use of property, prohibit alterations and additions, does not restrict the sale of a property, and has been demonstrated to increase its resale value.
- Designation ensures the City's ability to manage change to the heritage attributes of the subject property through the Heritage Permit process.
- Without designation, the subject property stands at risk of losing its cultural identity, and the heritage, environmental, informational, and aesthetic values.

Staff does not consider withdrawing the Notice of Intention to Designate the subject property to be a responsible conservation measure. By withdrawing the Notice of Intention to Designate, the City would be unable to provide long-term management, conservation, and legal protection to this significant cultural heritage resource and would not fulfil the legal mandate established by existing municipal and provincial policies.

Financial Impact

N/A

Operational Impact

N/A

Broader Regional Impacts/Considerations

N/A

Conclusion

Withdrawing the Notice of Intention to Designate would deprive the City of its capacity to enact long-term management, conservation, and legal safeguards for this significant cultural heritage asset. Without designation, this property is vulnerable to losing its cultural identity and the associated social, heritage, environmental, informational, and aesthetic values.

Considering that the property meets 6 out of 9 criteria under O.Reg 9/06 of *Ontario Heritage Act* for Part IV designation, and revisions to the designation documents were made in consultation with the landowner's representatives, the Manager of Urban Design and Cultural Heritage recommends that Council approve the designation of 271 Valley Vista Drive under Part IV of the *Ontario Heritage Act*.

For more information, contact Shahrzad Davoudi-Strike, Manager of Urban Design and Cultural Heritage, ext. 8653.

Attachments

1. Location Map
2. Objection Letter
3. Statement of Cultural Heritage Value (updated)

Prepared by

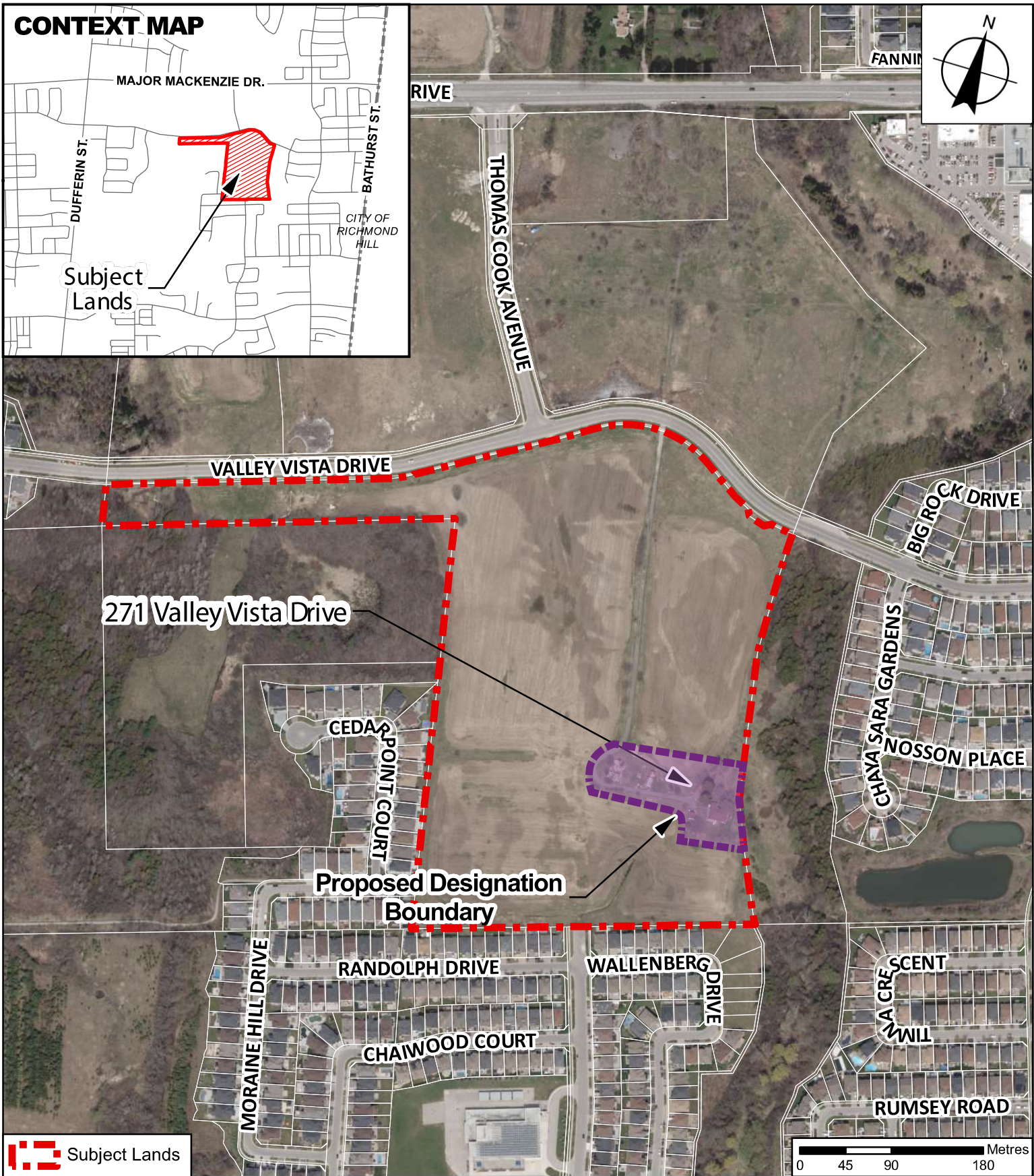
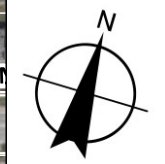
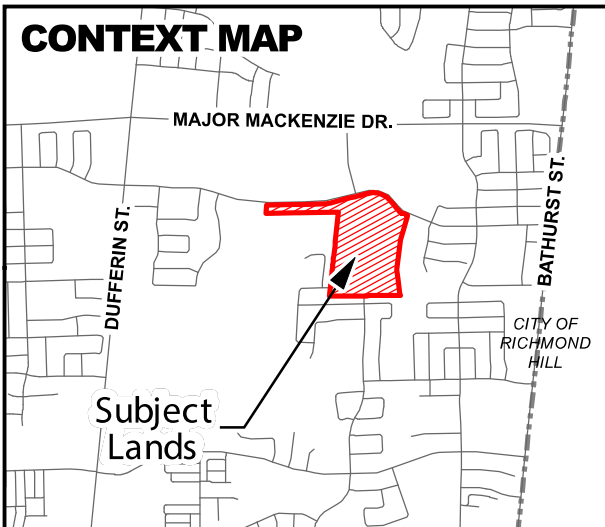
Katrina Guy, Cultural Heritage Coordinator, ext. 8115.

Nick Borcescu, Senior Heritage Planner, ext. 8191.

Shahrzad Davoudi-Strike, Manager Urban Design and Cultural Services, ext. 8653

Nancy Tuckett, Director of Development Planning, ext. 8529

CONTEXT MAP



Location Map

LOCATION:
271 Valley Vista Drive
Part of Lot 19, Concession 2



Attachment

1

DATE:
June 18, 2024



MILLER THOMSON
AVOCATS | LAWYERS

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May 15, 2024

**Delivered via same day courier and
via E-mail**
clerks@vaughan.ca

Office of the City Clerk
City of Vaughan Council
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Todd Coles, City Clerk

Dear Sir:

**Re: Objection to Proposed Designation in Notice of Intent to Designate 271 Valley
Vista Drive Pursuant to Part IV, Section 29 of the *Ontario Heritage Act***

We are the solicitors for Senang Investments Limited, the owner of the property municipally known as 271 Valley Vista Drive (the "**Property**") which is the subject of a Notice of Intent to Designate under the *Ontario Heritage Act* ("**Notice**"). The Notice states that the last date to deliver a Notice of Objection is May, 15, 2024 pursuant to section 29(5) of the Act. This letter constitutes our client's Notice of Objection to the proposed designation of the Property in the manner set out in the City of Vaughan's proposed Statement Of Cultural Heritage Value and staff report.

ERA Architects Inc. Retained

On April 12, 2024, we also filed our client's objection to the proposed designation of 1078 Major Mackenzie Drive West (the "**Major Mackenzie Property**"), which it also owns. We advised that a heritage consultant had not yet been able to assess the Major Mackenzie Property to provide meaningful comments. As a result, our comments might be superseded by those of a heritage consultant.

ERA Architects Inc. have now been retained to assess and advise on heritage matters for both the Major Mackenzie Drive matter and this Property.

As was the case with the Major Mackenzie Property matter, ERA Architects have not been able to assess the Property fully and provide meaningful comments to this letter or its opinion on all of its elements. Therefore, like our Notice of Objection to the designation of the Major Mackenzie Property, the comments we provide are neither comprehensive nor definitive. ERA may very well propose different approaches once they are able to get up to speed on the Property.

**ATTACHMENT 2
271 VALLEY VISTA**

Defer Designation to Allow ERA to Liaise with City

Given our client's desire to work with the City in both of these proposed designations through ERA, we ask that the designation be deferred to allow for meaningful discussions. Your staff have already reached out with respect to the Major Mackenzie Property, ERA has been in touch with City Heritage staff and we expect that meaningful progress on particularizing the best approach to both properties' heritage attributes will be made.

While we suggest approaches to the designation of the Property in this letter, practically we believe that allowing ERA to complete its work, for us to discuss with your Heritage staff the best approaches to these two properties is best, for which a deferral of consideration of the designation is best. If you wish to discuss how to do that best without prejudicing the City's ability to designate later, (but presumably by the end of 2024 since these properties are listed under the *Ontario Heritage Act*), please let us know. We would like to allow sufficient time for further discussion and an amicable resolution.

Objections to Proposed Designation

Our client's greatest objection is to the designation or identification of any of the outbuildings as having any meaningful heritage value. It is their view that neither the garage, the bar nor the ruins (called a stone foundation in the draft Statement of Cultural Heritage Value) meet any of the criteria set out in the regulation for designation. There is nothing whatsoever significant about the garage nor the barn. Both are late 20th century structures, built in a common-place fashion and of unexceptional materials. There is no associative value to a farm containing a barn or garage. The ruins are unidentifiable in terms of their previous use or purpose and the conjecture it was constructed as stables is purely conjecture. Even if it was, there is nothing in any way unique, historic or associative with any community, person, event or other regulatory ground for designation or contextual in the surrounding context with a farm outbuilding or even a stable structure. The fact that the barn is built to the scale of the other buildings (which is not admitted) is insufficient to elevate it to being of design or physical value given the prevalence of most buildings being built to scale. Nor would even a longer extending point of a roof of a barn merit conservation for design or physical value.

Secondly, there is no indication that there is any archaeological resource on the property with respect to early settlers or indigenous peoples. Any such potential, if demonstrated, does not in any event require designation to address. The issue of archaeological potential can be more than adequately addressed through appropriate conditions to draft plan approval if this property proceeds to subdivision.

ERA Architects Inc. is in the process of reviewing and assessing the 1-storey frame house and will be able to provide further comments on it in the near future. We would suggest that the final identification of the elements of that house in the Statement of Cultural Heritage Value await discussions between City Heritage staff and ERA. The house itself has a greater potential for being identified with heritage value, in at least a historical or associative manner, but the details of that do need to be appropriately investigated and discussed before designation permanently identifies those details. We note that the construction and layout are typical and common-place, that many elements have been altered and lost from its original 1920's form and that the construction is of no particular artistic or other value and that the late



20th Century recladding of the building has replaced or obscured even the original construction details. Without that detail, our client must now simply ask for it not to be designated.

Summary - Requests

As a result, our client respectfully requests that:

1. Council delay its decision and designation of the Property to allow ERA Architects to carry out its assessment, liaise with City Heritage staff, and provide additional comments and opinions on a proposed designation. Their work will allow them to address any matters or questions anyone might have and it may be that agreement about the precise scope of the designation is possible, avoiding the need for an appeal to the Ontario Land Tribunal. We are prepared to work with the City to ensure that the City is not prejudiced by a delay, fully understanding the City's desire to designate listed properties by the end of the year.
2. In this case, if Council begins to run up against the 120-day period that subsection 34(8)1 requires the passage of a designation by-law within (more likely with the Major Mackenzie Property), we suggest Council can withdraw the notice of intention to designate both of these properties. There is ample time for Council to complete the designation process within 2024 and our client would be prepared to discuss ways that allow the City to do so with little worry.
3. If the City is not prepared to allow our respective Heritage experts to discuss these two properties, our client asks that the Property not be designated at all given that the property does not meet the criteria set under OHA Regulation 9/06 for physical, associative and contextual heritage value. In particular the outbuildings should not be identified as of any heritage value.

We would be pleased to discuss this matter further and answer any questions the City might have.

Yours very truly,

MILLER THOMSON LLP

Per:



David Tang
Partner
DT/ac



STATEMENT OF CULTURAL HERITAGE VALUE

DESCRIPTION

Municipal Address: 271 Valley Vista Drive (formerly 9740 Bathurst Street)

Legal Description: Part of Lots 19 & 20 Concession 2 Vaughan, described as Parts 18-22, 31-33 65R-28521; subject to an easement over Part 20, Plan 65R28531 for Parts 2-17, 23-30, 34-49, Plan 65R-28521 & Part 1, Plan 65R-15585 as in YR764533; subject to an easement on Part 32, Plan 65R-28521 for Parts 2-17, 23-30, 34-39, Plan 65R-28521 as in YR764534; together with an easement over Part Lot 19, Concession 2 (Vaughan), described as Parts 24, 25, 27 & 30, Plan 65R-28521 as in YR764532; together with an easement over Part Lots 19 & 20, Concession 2 (Vaughan), described as Parts 2-17, 23-30, 34-30 all inclusive, Plan 65R-28521 as in YR764532; City of Vaughan

Brief description: 1-storey structure built in the Regency Cottage style.

OVERVIEW

The cultural heritage value of the property known as 271 Valley Vista Drive meets the criteria set out by the *Ontario Heritage Act* under Province of Ontario Regulation 9/06 for the categories of design/physical, historical/associative and contextual value.

Name: The Velie-Graham House

Date Built: circa 1824-29

Location: south side of Valley Vista Drive between Thomas Cook Avenue and Chaya Sara Gardens

Condition: good

DESIGN OR PHYSICAL VALUE

Built between 1824-1829, the Velie-Graham House is a 1 storey frame house built in the “Regency Cottage” style. This style first emerged in Ontario in the 1780’s along the Lake Ontario Loyalist communities from Kingston to Niagara and is typically constructed using found stone (cut or natural), brick, wood and stucco. This style is further identified by its low height (one storey) hipped roof, and square footprint and its tendency to be situated within a scenic context. It is also referenced as the “British Military Bungalow style” in some documents, and such examples often refer to the square-built imprint of the structure with low overhanging roofs – both of which were part of the house’s history.

John Velie likely came from eastern Ontario where there would have been several examples of this popular style. On this site, the house located far back from the Lot and Concession roads and is situated next to the stream and woods, on a slight rise in grade that once overlooked the fields and countryside. As his father-in-law Peter Frank was a sawyer, and a sawmill was located on the property, he likely built the house from the wood he processed on the lot itself.

This 1-storey high, square footprint building is built on a dry-laid stone foundation. It has a central hall, with a framed single door with classical surround and sidelights facing to the north and south at the ends of a central hall – a feature of this building. On either side of these entrances are large windows, forming a central 3-bay form.

The oldest photo of this property from 1950 indicates that it had two chimneys on the east and west side of the house, long sloping rooflines that connected to a wraparound verandah, with multi-paned glass windows. While currently lost, some of these elements could be restored at a later time. The south end addition to the house was likely built between 1950 and 1968. Both the 1950 and the 1968 photos depict stucco cladding on the house. Recent photos of the house indicate this is still the case, but also suggest that there has been a recent re-cladding using more modern materials, as made evident by the surviving wooden details around the windows and doors. Should the house be further restored, a low impact investigation is recommended to determine if earlier layers of stucco are still extant underneath the existing. At this time, the current resident of the property is in the process of maintaining and stabilizing the house with some interior restoration. No exterior alterations have been proposed.

Outbuildings

To the west of the 1820's house are three outbuildings on the property. Immediately to the west and situated slightly south is a garage, likely built in the early 1950's.

Slightly further to the west is a barn featuring a cement foundation and board and batten siding with featuring a pronounced extending point off the roof. This is an interesting example of a mid-20th century barn, built with contemporary materials but within the existing scale of the other buildings on Brook Farm. It has associative value in its context of the evolution of the property from a 19th century single family farm to the amalgamation of the farm within the larger Don Head farms context.

Further to the west is the oldest surviving outbuilding: a stone foundation with no upper structure, in the process of advanced decline. It was already existing on the property in 1936 when J.D. Patterson acquired the farm. Likely constructed as stables (suggested by the built-up terrain on the east edge of the structure – a feature that would have aided in loading hay or other materials atop of the sunken-level grade of the stables) with an attached paddock area, this structure is not constructed with 20th century building materials, but with local stone. It appears to have been in use through the 20th century (the carcass of an old automobile is trapped under the rubble) and has only recently fallen into disuse. It has significant cultural heritage value as a surviving stone outbuilding from the 19th century development of the farm and requires further examination prior to any attempt to demolish or reconstruct the building.

HISTORICAL / ASSOCIATIVE VALUE

ARCHAEOLOGICAL

The subject property has associative value due to high archaeological potential. During the Block 11 planning process, there were archaeological assessments carried out – but no surveying of the existing lands (aside from the existing service pipeline from Thomas Cook Avenue and Randolph Drive, north to Valley Vista Road) was carried out for the subject property. Despite this, there have been previous findspots on the property documented, and the archaeological potential for indigenous and European settlement sites remains high. The remaining property area that is to be designated still holds both indigenous and settler archaeological potential and should be included as part of the total cultural heritage value of the property. Should further expansion of the existing structures be proposed, archaeological review shall be required.

Velie Family 1824-1863

Lots 19 and 20, Concession 2 were originally awarded to Daniel Cozens in 1798 and it is possible that he never saw the subject lands as he was awarded several lots in Vaughan to compensate him for the land he lost in New Jersey. Within two years he had sold the lots to Joseph Randall for \$50, who sold them to Peter Frank (a sawyer/carpenter) and another American-by-birth who chose to settle in Vaughan.

The Ontario Land Titles Historical records notes that Peter Frank sold the east half of the lot in 1824 to John Velie for £75, but that it was not registered on the land title until 1829. The 1824 transaction is noted to have taken place in March, about one month before the marriage of his daughter Mary Ann Frank to John Velie. The sale was not registered on Title until 1829 which was coincidentally the same year that John Velie Junior was born.

In 1829, Peter Frank also sold the west half of Lot 19 to Edward O'Brien, who would go on to marry Mary Gapper. For a long time, records of the two properties were mixed-up and it was thought that this surviving house belonged to Mary and Edward O'Brien. However, recent research has confirmed that the O'Brien house was on the west half of the lot and has since been lost. Mary Gapper O'Brien's published journal does not mention their immediate neighbours by name but does describe times when they interacted with various people in the nearby area. Socialization between the O'Brien household and the Velie household would have been limited by the O'Briens commitment to Thornhill friends and family and likely, by religion – as the Velie, Frank and later Graham households are identified in the later census as Methodist or Presbyterian.

Therefore, the existing house currently municipally known as 271 Valley Vista was likely built by Velie and possibly his in-laws (the Franks) during the period between 1824 to 1829. The house was likely built from the trees on the property (the O'Brien property was already noted to be cleared of timber in 1829) and in a simple style called Regency Cottage. The house was set back far from lot boundary and access was likely from the 2nd Concession Line now known as Bathurst Street and over the small stream on the property. This set back is not unusual for the time and the style of cottage, and it is noted in the Gapper O'Brien journals that many houses were initially built far into their lots. This custom was changing during Mary Gapper O'Brien's time in Vaughan and there is discussion of construction and development occurring closer to roads in the early 1830's.

At the time of the 1851 Census, the property featured one storey frame house and a sawmill on the stream that was capable of producing in about 51 feet of lumber at a time. The mill may have been run together with his father in law Peter Frank, who is listed as a sawyer on the same census. The agricultural census also notes that John Velie's 100-acre lot was producing 200 bushels of wheat from 10 acres, with the other 44 acres under cultivation for other crops, pasture and garden. The farm also supported 6 dairy cows (200 lbs of butter were noted), 19 sheep and about 20 pigs.

John Velie Junior (born 1829) was farming on the lot 20, directly to the north, demonstrating that the family was prosperous enough to purchase additional land. John Velie Junior kept the property, even as he became the owner of the Richmond Hill Hotel. While the 1861 census still has John Velie and Mary Ann living on Lot 19, in 1864 the Velies sold their house to William Graham (for \$6800) and moved to into the settlement Richmond Hill. They were also able to purchase a lot in town, known municipally as 29 Centre Street W which was designated by the Town of Richmond Hill in 1984 (199-84). John and Mary Ann Velie are buried in the Richmond Hill Presbyterian Cemetery.

The Velies represent an early settler family that transformed their 100 acres into a farm and mill site and their house is a rare surviving example of early settler vernacular architecture that is still in situ.

Graham Family 1864-1936

In 1864, the Velie farm became the Graham Farm when William Graham purchased the property. In the 1861 Census, William Graham is identified as born in England and his wife Matilda (nee Taylor) was born in Ireland. Lot 20 in the Concession was initially earmarked as part of King's College but it was being lived on by the Graham family in west half and John Velie Jr in the East Half by the time of the 1851 Census with all seven members of the Graham family living in a log cabin. It is likely that the Graham family and the Velie family were on good terms with each other as, both families were Methodists and when William Graham and John Velie had the opportunity to purchase their halves of the lot, John Velie Sr was a witness.

Initially, land titles indicate that Lot 19 was supposed to be farmed by William's son Robert Graham, as the land was transferred to him in 1870. The 1871 Census indicates that Robert, his wife Mary, and Robert's brother Joseph were all living on Lot 19 together. By 1875, Joseph purchased the farm from his brother and, by the 1878 Tremaine Map publication, is listed as the owner. He had married Louisa Frank in 1877 and the Graham family would go on to live in the house until 1936, when it was sold to J. D. Patterson by (Joseph) Frank Graham, his son. Under the Graham family, the farm grew, and the mill was discontinued, and likely the existing stone outbuilding was built during their 73-year tenure and remained in use until the 1990's – at least with a paddock area added mid-century. The 1878 map also indicates that there was an orchard established to the southwest of the house but in time that was removed, possibly as the Graham family became more known for their livestock. Through the latter half of the 19th century, there are citing of Joseph Graham's farm animals or produce winning awards and being selected for public display for provincial events.

Patterson/Don Head Farms/Redelmeier/Southbrook

In January 1936, J. D. Patterson (son of Peter Patterson) purchased the Graham farm of 100 acres for \$15,000.00. Unusual for Patterson, he granted a mortgage of \$6,000.00 to the vendor, Joseph Frank Graham, as part payment for the property, and in a letter of understanding he wrote, *"I hereby undertake not to exercise my right to repay all or part of the principal sum of the said mortgage until the same shall become due, or until the death of your mother, Mrs. Louisa Graham, whichever event shall come first."* In the exchange of letters that followed, Frank Graham authorized Patterson to pay his mother, Louisa Graham, all interest payments that became due on the mortgage, and Patterson reassured the elderly Louisa Graham that he would not exercise his right to repay the principal during her lifetime. The assumption of a mortgage by Patterson, under the agreed terms, continued to guarantee Louisa Graham the income that had been secured under an agreement with her children and an earlier mortgage assumed by her son Joseph Frank in 1913, presumably in consequence of the settlement of her husband's estate.

Upon this purchase, the Velie/Graham farm ceased to be a separate entity and became part of Don Head Farms. Within this restructuring, it was renamed "Brook Farm" and the 1820's house became the home of a Don Head Farm employee-family who supervised the farm workings. When J.D. Patterson died in 1939, the entirety of Don Head Farms was purchased by the Redelmeier family, and it remains in their ownership to this day. "Brook Farm" was later further absorbed by the southern farms becoming "Southbrook Farms" in the 1980's and became the namesake for Southbrook Wineries, a VQA Ontario winery. The farm transitioned from livestock to produce in the 1970's and also developed some agritourism events.

Maps of the Don Head farm confirm the location of the house and Graham barn in 1936 and 1950. Major changes to the house likely happened during this time, as the house added full electricity and plumbing utilities. There was also an addition constructed between 1950 to 1968, although the verandah and low sloping roof remained in place. An additional barn with cement foundation was likely constructed between 1950 and 1954, as it is not present on the 1950

insurance map. The present garage directly to the southwest of the house was likely built in early 1950's as well.

Municipally, the property became known as 9740 Bathurst Street during this period. It also became mistakenly attributed as the "Mary Gapper O'Brien House" by various historians, and this error has been reprinted in several books, maps and local histories. However, not only does the existing house not meet up with Mary O'Brien's description of her home with Edward O'Brien, but a review of the Ontario Land Titles for this property quickly dismisses this and confirms the history of the property as recounted in this Statement.

In the early 21st century, the City of Vaughan and the Block 11 property owners underwent the Block Plan process. This process involved a series of archaeological and heritage assessments to assess the properties in Concession 2, Lots 16 to 20, but neither assessment type focused on the built heritage, and the archaeological survey stopped just east of the property. With the development of the Block 11, there are subdivisions to the east and the west of the property, the installation of a sewer pipeline in 2009 from Thomas Cook Avenue to Major Mackenzie Drive West and there will be a school to the north eventually.

Since the Block 11 planning process, the house now exists set back far from all streets and subdivision, west of the stream the mill once stood on, and buffered by fields and woods. Its setback location allows the property to still be considered in a rural context. It continues to be occupied and maintained, thus allowing for nearly continuous family occupancy for 200 years and associated with the history of the Vaughan and its significant agricultural history.

CONTEXTUAL VALUE

The contextual value of the subject property is based on the building's history as one of Vaughan's earliest surviving domestic structures in its original "in situ" location. This is due to its original siting far back from the concession road and the lot 25 road to the north and its location within the lot on a relatively high point of the land, overlooking the fields and remaining woods. There are two explanations for the property's location: the first is an interesting mention in Mary Gapper O'Brien's journal, noting that many of the earlier houses were set far back from the road, particularly outside the settlement area. Several existing heritage homes in Vaughan that exist in their original location follow this preference, likely to ensure privacy and relative quiet and dust from road traffic.

The second consideration for the location of the house may have arisen out of the architectural style it was built in: one of the key considerations of the early Ontario 1-storey cottage builders was to ensure that the house's positioning was picturesque, and both fit into the landscape but also provide agreeable views around it. This house was located on a high point but near the remaining wooded area and stream. It incorporated large windows to capitalize on this view and built so that anyone standing in the central hall would be able to look at the fields in either direction from inside the house. John Velie and his bride would have built this house in the 1820's not as a temporary log cabin to meet settlement requirements, but as a carefully considered construction that allowed them to admire their surroundings and to ensure the house emulated the picturesque style in the more settled areas to the south.

The house, barn and stone structure all relate to the property's evolution and relates to Vaughan's agricultural history. The trees and vistas from the house, particularly to the south over the passive parkland provide a glimpse into the pre-contact and historical land features and domestic gardening.

SUMMARY OF CULTURAL HERITAGE VALUE

Physical/Design Value

Contributing

- Pre-Confederation construction from the 1820's
- A representative, rare, surviving non-stone Regency Cottage
- 1-storey square-built footprint
- Low hipped roof
- North and south facing main central doors with classical surrounds and sidelights
- Interior central hall between the north and south doors
- Window openings on either side of main doors, forming a 3 bay appearance
- Stone laid foundation
- Wood frame construction
- Mid 20th century barn with cement foundations, board and batten siding and extended roof arm
- Stone outbuilding, using local field stone in its construction, formerly 1 ½ stories,

Historical/Associative Value

- connection to significant archaeological resources both of early settler and indigenous peoples,
- connection to specific historic settler families such as the Frank family, the early Velie family and the Graham family
- connection to the Patterson and Redelmeier families and their 20th century farming practices
- connection to early Ontario settlers and architectural styles
- the property has been almost continuous agricultural use since the 1820's and is still used for agricultural crops
- the remaining archaeological area of potential has not yet been assessed and has the potential to yield further information, particularly the area near the waterway
- the stone outbuilding has the potential to yield further information on the history of the property – including use and construction of early agricultural buildings in Vaughan

Contextual Value

- the subject property is linked to the siting of the house and the surrounding woods, stream and fields, its location also giving views of the surrounding area, due to the natural rise of the land
- the subject property reflects some of the earliest settler architecture and siting, giving insight into settler practices
- the subject property is contextually linked to Vaughan's agricultural history from initial settlement and land clearing, early 19th farming practices, the evolution from subsistence farming to specialization in livestock, back to crop growing and early agritourism in Vaughan

Non-contributing elements

- The existing garage to the west of the 1820's dwelling built in the mid-late 20th century
- The installed sewer line and fields to the west of the sewer line
- The open field directly to the north of the barns do not have direct heritage value to the property, but care should be taken in future development to provide appropriate setbacks to the 1820's dwelling

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