

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 49, Report No. 25 of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2024.

**49. RESPONSE TO NOTICE OF OBJECTION TO THE NOTICE OF INTENT TO DESIGNATE 8785 DUFFERIN STREET UNDER PART IV OF THE ONTARIO HERITAGE ACT**

**The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Planning and Growth Management, dated June 18, 2024:**

**Recommendations**

1. That the Notice of Objection to the Notice of Intent to Designate 8785 Dufferin Street 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 8785 Dufferin Street under Part IV of the Ontario Heritage Act;
3. That the By-law to designate 8785 Dufferin Street 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 8785 DUFFERIN STREET 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 8785 Dufferin Street (as shown on Attachment 1), but to proceed with enacting the By-law to designate The Cober Dunkard Church at 8785 Dufferin Street, 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 1078 Major Mackenzie Drive on May 15, 2024
- Staff reviewed the objection, and provide response and options herewith
- Staff recommend the City proceed to designate 8785 Dufferin Street 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 8785 Dufferin Street 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 8785 Dufferin Street under Part IV of the *Ontario Heritage Act*;
3. That the By-law to designate 8785 Dufferin Street 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 8785 Dufferin Street for Heritage Vaughan Committee recommendation to City Council, on February 28, 2024. This was reviewed at Committee of the Whole (1) 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 the Trustees of the Cober Church (property owners), see Attachment 2. Cultural Heritage staff opened communications with the property owners on May 24, 2024.

## **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 owners primarily object on basis of some inaccuracies in the City's documentation as initially presented. Cultural Heritage Staff, together with Councillor Ainsworth, were invited and attended a site visit and meeting with the Trustees on May 29, 2024 for explanations and extended discussions on the merits of designation.

Staff has had continued conversation with the Trustees via email following the site meeting, and additional clarification was provided as requested. In particular, the following points of concern have been addressed by staff:

1. the address of the cemetery (City-owned) remains 8799 Dufferin; the property parcel containing the Cober Dunkard Church was assigned the street address of 8785 Dufferin shortly after the conveyance of the cemetery to the City.
2. the Cober Dunkard Church has never been owned by the City, contrary to the erroneous statement on the property's Listing – this error was addressed in the staff report that is part of the Intent to Designate report (pg.4).

3. The Trustees have not objected to any of the 5 criteria listed in the staff report, but they maintain objection to designation solely on grounds of personal preference rather than basis in law.

## **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 5 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, the property is vulnerable to losing its cultural identity and the associated social, heritage, environmental, informational, and aesthetic values.

Considering that the property meets 5 out of 9 criteria under O.Reg 9/06 of *Ontario Heritage Act* for Part IV designation, and none of the criteria were challenged by the Trustees of Cober Church, the Manager of Urban Design and Cultural Heritage recommends that Council approve the designation of 8785 Dufferin Street 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. Letter of Objection

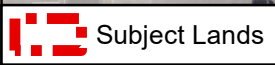
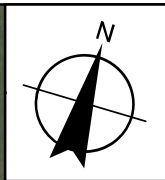
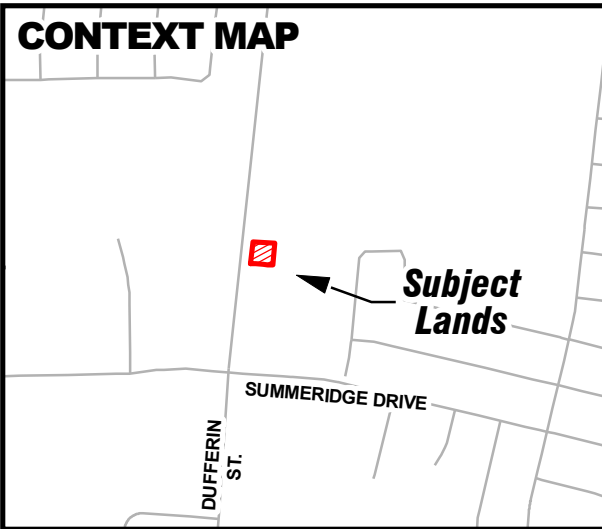
### **Prepared by**

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:**  
8785 Dufferin Street  
Part of Lot 12, Concession 2



# Attachment

# 1

**DATE:**  
June 18, 2024



**Subject:** [External] Notice of Intent to Designate the Cober Church

**Date:** Wednesday, May 15, 2024 at 2:32:10 PM Eastern Daylight Saving Time

**From:** shield shield

**To:** Clerks@vaughan.ca

**CC:** John Britto, Nick Borcescu, Katrina Guy, Chris Ainsworth,  
[REDACTED]

**ATTACHMENT 2**  
**8785 DUFFERIN**

**CAUTION!** This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

We are responding to the registered letter received May 2, 2024 notifying us of the City of Vaughan's intent to designate the Cober Church under the Ontario Heritage Act. As Trustees of the Church, we are sending this email with some of our concerns and objections about proceeding with this process.

First of all, it should be noted that the property municipally known as 8785 Dufferin Street in the City of Vaughan, refers to the cemetery at that location and is owned by the City of Vaughan. The buildings referred to in the Notice of Intent to Designate consist of a one-storey frame church and a drive shed and are located on the adjacent property to the south. They are privately owned and have no separate street address. This needs to be corrected so that it is clear what and where is being proposed for designation.

We have had very little time to digest the ramifications of an official designation of our property and buildings and feel that a face to face meeting would be appropriate to fully address all the issues before it goes to Council for approval.

The Heritage Vaughan Committee Report, dated February 28, 2024 which we were able to find on the City of Vaughan website states that there are no Financial or Operational Impacts with the report. A follow up email from Katrina Guy, Cultural Heritage Specialist clarified that this generally means that there are no financial or operational concerns for the City of Vaughan. The owners, however are still responsible for all impacts with the added restrictions imposed by the Heritage Act. This also appears to apply for the "long term future" with no option for review which will impose additional hardship to the owners.

Finally, the Notice of Intent identifies that the Church, "was built in the plain style as an embodiment of the congregation's faith and values which focuses on simplicity, piety and spirituality". This is still true today and we are concerned that a heritage designation will draw attention to the property and buildings and it will be perceived as a public site as opposed to a place of worship. To date, we have been very fortunate to have only experienced minor issues of trespassing and vandalism but a designation is bound to bring additional notice.

We as the Trustees of the Cober Church feel strongly that the Intent to Designate the Cober Church should not go to Council for approval before our issues and concerns have been fully addressed. We will make ourselves available for a meeting with City of Vaughan staff at the earliest opportunity.

We are respectfully submitting our opposition to the Notice of Intent to Designate the Cober Church as written and requesting a delay in the designation process until after a meeting

occurs.

Regards,

Marjorie (Reaman) Shield

Paul Baker

Linda Earl

(Trustees of the Cober Church)

**Subject:** [External] Meeting to Discuss the Cober Church

**Date:** Friday, May 17, 2024 at 3:13:00 PM Eastern Daylight Saving Time

**From:** shield shield

**To:** John Britto, Nick Borcescu, Katrina Guy, Chris Ainsworth

**CC:** Clerks@vaughan.ca, [REDACTED]  
[REDACTED]

**CAUTION!** This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

In our response to the Notice of Intent to Designate the Cober Church, we (the Trustees of the Cober Church) requested a meeting with City of Vaughan representatives to discuss our issues and concerns before it goes to Council for approval.

I have consulted with the other two Trustees, Paul Baker and Linda Earl and we can be available to meet on site at the Church on any of the following dates (preferably in the morning). May 28, May 29 or May 31. Since Paul Baker will be driving from Pennsylvania which is approximately an eight hour trip each way, we are hoping that one of these dates will work and that the appropriate people will be available to attend.

Thank you for your attention to this matter and have a great long weekend.

Regards,

Marjorie (Reaman) Shield

On behalf of the Trustees of the Cober Church

**Subject:** [External] Feedback on Intent to Designate the Cober Church  
**Date:** Thursday, June 6, 2024 at 4:12:51 PM Eastern Daylight Saving Time  
**From:** shield shield  
**To:** Nick Borcescu  
**CC:** Katrina Guy, Aminata Shaw, John Britto, Chris Ainsworth,  
[REDACTED]

**CAUTION!** This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Nick,

Thank you for all the hard work that you and your staff have put in related to the Cober Church property. We appreciate your help and clarification in addressing our many questions and we also appreciate that you took the time to meet with us and tour the grounds and buildings.

After careful consideration, we have decided that we do not wish to have a heritage designation on our buildings.

Respectfully,

The Trustees of the Cober Church

Paul Baker

Marjorie (Reaman) Shield

Linda Earl