

**HERITAGE VAUGHAN COMMITTEE – MAY 21, 2025****COMMUNICATION****Distributed May 12, 2025****Item No.**

- C1. Confidential Memorandum from the Interim Deputy City Manager, Planning, Growth Management and Housing Delivery, dated May 12, 2025.

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**Distributed May 20, 2025**

- C2. Meaghan McDermid, Davies Howe LLP, Adelaide Street West, Toronto, dated May 20, 2025, on behalf of Gary McKinnon, owner of 5670 Steeles Avenue West.

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May 20, 2025

**By E-Mail Only to *clerks@vaughan.ca***

Heritage Vaughan Committee  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

*Attention: Todd Coles, City Clerk*

Members of the Committee:

**Re: Heritage Vaughan Committee Meeting May 21, 2025  
Item 4.2 - Repeal of Designation By-law No. 180-2024  
5670 Steeles Avenue West**

**C 2**  
**Communication**  
**Heritage Vaughan**  
**Committee – May 21, 2025**  
**Item No. 2**

We are counsel to Gary McKinnon, the owner of the property municipally known as 5670 Steeles Avenue West, in the City of Vaughan (the “**Property**”).

We are writing in response to the City Staff report recommending the repeal of Designation By-law No. 180-2024 (the “**By-law**”) which is to be considered at the May 21, 2025 Committee Meeting (the “**Staff Report**”). Our client strongly supports the repeal of the By-law and requests that the Committee endorse the recommendations contained in the Staff Report.

## **Background**

On July 30, 2024, the City published a Notice of Intention to Designate the Property under Section 29 of the *Ontario Heritage Act* (the “**OHA**”). On August 1, 2024, Mr. McKinnon submitted a notice of objection in accordance with the requirements of subsection 29(5) of the *OHA*, expressing his objection to the proposed designation of the Property (the “**Notice of Objection**”). The Notice of Objection was sent by registered mail and signed for by the City on August 2, 2024.

On October 29, 2024, the City passed the By-law, designating the Property under section 29 of the *OHA*.

As is confirmed in the Staff Report, Mr. McKinnon subsequently learned that while his Notice of Objection was received by the City, it was not provided to Heritage staff nor to City Council for its consideration prior to the passing of the By-law.

On April 10, 2025, Mr. McKinnon appealed the City's decision to pass the By-law to the Ontario Land Tribunal pursuant to subsection 29 (11) of the *OHA* (the "**Appeal**"). A copy of our appeal letter is enclosed. To date, a hearing of the Appeal has not been scheduled.

In addition to objecting to the merits of the designation, the grounds for the Appeal include Mr. McKinnon's position that the City failed to comply with the mandatory process for designation required under section 29 of the *OHA* by failing to consider his Notice of Objection, and accordingly, the By-law must be repealed.

### **Failure to Comply with Section 29 of the *OHA***

Pursuant to subsection 29(1)(b) of the *OHA*, designation of a property must be made in accordance with the process set out in section 29. Where a notice of objection has been properly served, subsection 29(5) requires that Council shall consider the objection and decide whether or not to withdraw the Notice of Intent to Designate before it proceeds to pass a designating by-law.

The City was therefore statutorily obligated to consider Mr. McKinnon's objection to the designation of the Property prior to passing the By-law. As is acknowledged in the Staff Report, and is clear from the text of the By-law, that did not take place. Accordingly, the City failed to comply with the required process under the *OHA*, and the By-law must be repealed.

We thank City staff for their initiative in bringing forward this recommendation for repeal of the By-law given the procedural deficiencies. Should City Council accept the recommendations and ultimately repeal the By-law, the outstanding Appeal before the Tribunal will become moot. Proceeding by way of repeal by the City is preferable, as it will obviate the need for a hearing of the Appeal and save all parties and the Tribunal time and expense.

### **The By-law is Flawed in Substance**

In addition to the procedural deficiencies, Mr. McKinnon objects to the designation of the Property on its merits. As outlined initially in the Notice of Objection and further detailed in our Appeal letter, it is our view that the Property does not meet the criteria for determining cultural heritage value or interest under O. Reg. 9/06 and is not worthy of designation. Further, the Designation By-law is not supported by sufficient historical research and evidence and the Statement of Cultural Heritage Values attached as Schedule B to the Designation By-law (the "**SCH**") does not clearly identify valid heritage attributes or provide sufficient justification for the designation.

Mr. McKinnon has retained heritage experts ERA Architects Inc., who have conducted a peer-review of the By-law and prepared the enclosed memorandum dated May 12, 2025 (the "**ERA Peer Review**").

In summary, the ERA Peer Review concludes that the By-law does not meet the standards outlined in Provincial guidance for preparing a statement of cultural heritage value and heritage attributes and recommends its repeal. We ask that the Committee and Council carefully review this memo in considering the repeal of the By-law and prior to any future steps that the City may seek to take with respect to this Property.

## Conclusion

For the above reasons, Mr. McKinnon requests that the Committee endorse the recommendations in the Staff Report to repeal the By-law.

Should you have questions or require additional information, please do not hesitate to contact me.

Yours truly,  
**DAVIES HOWE LLP**



Meaghan McDermid

MM:ae

encl.: ERA Memo, May 12, 2025  
Davies Howe Notice of Appeal, April 10, 2025

copy: Gary McKinnon



ERA Architects Inc.  
#600-625 Church St  
Toronto ON, M4Y 2G1

## HERITAGE MEMORANDUM

**Project:** 5670 STEELES AVENUE WEST, VAUGHAN

**Project #:** 25-088-01

**Issued To:** Meaghan McDermid  
Davies Howe LLP  
425 Adelaide Street West, 10th Floor  
Toronto, ON M5V 3C1  
meaghanm@davieshowe.com

**Prepared By:** Samantha Irvine, Anna Gutkowska

**Date Issued:** May 12, 2025

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This memorandum has been prepared by ERA Architects Inc. (ERA) on behalf of Gary McKinnon, owner of the property at 5670 Steeles Avenue West, Vaughan (the "Site"), regarding the designation of the property under the *Ontario Heritage Act* (OHA). The Site was designated under Part IV of the OHA through By-law 180-2024, adopted by City of Vaughan Council on October 29, 2024. The purpose of this memorandum is to provide a peer-review of the designation by-law at the request of Davies Howe LLP.

We have not conducted independent research or archival investigation necessary to fully form a professional opinion on the property's eligibility for designation. This memorandum is not intended to serve as an evaluation under O. Reg. 9/06 or as a professional opinion on whether the Site meets the criteria for designation.

In our opinion, the designation by-law and supporting material should be re-examined. Below are specific recommendations to improve the alignment of this property's evaluation with Ontario Heritage Toolkit and tribunal guidance on designating heritage properties.

### 01. Site Description

The Site is bounded by Steeles Avenue West (York Regional Road 95) to the south, Martin Grove Road to the east, a fallow parcel of land owned by the Site's owner to the north (beyond which lies Highway 407), and a hydro corridor to the west, with commercial and industrial development located further beyond.

The Site contains a residential structure comprising a 1 ½ storey house estimated in the designation by-law to have been constructed between 1850 and 1870. The house is clad in white stucco, with a non-original porch extending along its east elevation. A large later addition is attached to the west elevation, extending northward beyond the footprint of the original portion. To the immediate west of the house is a single-storey detached garage, beyond which is a cluster of three farm outbuildings. A pole barn, constructed circa 1957, is located northwest of the house. The remainder of the property consists of fallow land, formerly used for agricultural purposes. A curved driveway provides access to the house from Steeles Avenue West.

The Site is occupied by the owner and there are no active development applications associated with the property.

### 02. Background on Designation By-laws and Statements of Cultural Heritage Value

A designation by-law comprises four informational components: a description of property, a Statement of Cultural



Heritage Value (SCHV), heritage attributes, and a legal description.

The Ontario Heritage Toolkit is a set of guides that provide the core provincial guidance for users of the OHA. Among these, the *Designating Heritage Properties* guide offers specific guidance on how to designate heritage properties, including instructions on writing SCHVs.

A SCHV describes why the property is being designated. According to the *Designating Heritage Properties* guide (Section 3.2.2), a SCHV should:

- Reflect the relevant criteria for determining cultural heritage value as prescribed in O. Reg. 9/06 under the OHA;
- Explain the core aspects of the property's cultural heritage value (typically, in two or three paragraphs); and
- Avoid providing a broad historical account, instead focusing specifically on what makes the property important.

### 03. Review of Designation By-law 180-2024

#### *Architectural Value*

The designation by-law states that the property at 5670 Steeles Avenue West is representative of the Georgian style, identifying characteristics such as symmetry, classical elements, and simplicity, and listing materials such as brick, stone, and wood.

As noted in the *Heritage Property Evaluation* guide (which provides the Province's guidance on interpreting the O. Reg. 9/06), to be "representative" means "serving as an example" (Section 5.6.1). This implies more than simply displaying isolated elements; the property must present them in a clear and legible way that makes it recognizable as part of a broader category (in this case, a style). Serving as an example means the property expresses the defining characteristics of that style such that it can stand as a reference point for it.

In this case, the by-law does not clearly explain how the property meets that threshold, particularly in light of the extensive alterations that have impacted its architectural integrity. These include:

- A large vinyl-clad addition that envelops the whole west side of the house and extends northward, altering its footprint and any symmetry of form;
- The covering of all the original brickwork with stucco, as shown in photographic evidence dating back at least to the 1950s;
- The insertion of a doorway on the ground floor of the south elevation, enclosed by a projecting vestibule; and
- The replacement of the original portico with a large porch on the east elevation.

The currently visible exterior materials (stucco, vinyl siding, and some wood siding) have completely overclad the brick, stone, and wood materials typically associated with Georgian architecture, which are cited in the designation by-law. Furthermore, the listed stylistic characteristics (symmetry, classical elements, simplicity) are no longer clearly expressed in the building's significantly altered form.

#### *Historical/Associative Value*

As explained in the *Heritage Property Evaluation* guide (Section 5.6.2), a property may have historical or associative value if it has direct associations with a theme, event, belief, person, activity, organization, or institution that is



significant to a community. This includes:

1. *direct association – whether the property exemplifies or has strong evidence of its connection to a theme, event, belief, person, activity, organization or institution. For example, the property may be the product of, or was influenced, or was the site of – an event, theme, belief, activity, organization*
2. *significance to a community – because a theme, event, belief, person, activity, organization or institution has made a strong, noticeable or influential contribution to a community*

The designation by-law provides a broad history of the property which, although very detailed, lacks clarity in terms of where significant historical or associative value might lie. The first subject identified is William Hartman. If the intent is to draw value from the property's association with William Hartman, the first question to answer is how the property, particularly in its heavily altered form, *exemplifies* or provides *strong evidence* of that connection. The designation by-law does not specify whether Hartman built the house (or had it built for him) or how he is meaningfully connected to the property as it currently exists, aside from owning the larger parcel it once formed part of. As noted in *Designating Heritage Properties* (Section 4), "If a property is designated for its association with a significant person or event, but the physical evidence from that period has disappeared, the property's cultural heritage value is diminished." Due to the lack of explication around his connection to the buildings on the property, it is not clear what physical evidence of William Hartman's tenure exists on the Site today, or whether that physical evidence is sufficiently apparent to warrant designation on these grounds.

The conclusion regarding the second consideration— whether William Hartman himself is significant to the community because he "made a strong, noticeable or influential contribution to a community" — is similarly unclear. The designation by-law notes that Hartman served as Deputy Reeve in 1868 and 1869, claiming that "his role as a Reeve [*sic*] highlights his contribution to the development of Vaughan." The by-law does not provide evidence of any specific contributions, achievements or actions by Hartman that would elevate his historical significance beyond any other civil servant holding a minor office during that time. It remains to be seen whether the contributions of minor office-holders should be considered significant in this context. Without additional information related to his specific significance, in our opinion, the connection remains weak.

A similar issue arises with the by-law's reference to Hartman's prizes for carrots and apples at two agricultural fairs, which is provided as evidence of historical importance through community participation. Respectfully, in our view, winning a prize at an agricultural fair is a relatively low threshold for significance. It is a commonplace occurrence that does not, on its own, meet the standard for historical significance in the context of O. Reg. 9/06. The cited 1861 *Liberal* newspaper article lists 27 items in the dairy produce category alone (with two winners per item), across 12 total categories, each with numerous entries. Without further explication about the reasons why Hartman's activities in particular are important, it could be understood that any fair participant's involvement carried the same significance. Extrapolating that inference, one could be lead to believe that nearly all of the agricultural property in Vaughan would meet the test for significance in this category.

Following this extended narrative about Hartman, the by-law then presents a chronological ownership history of the property, without making any connections to historical value. It remains unclear what specific *theme, event, belief, person, activity, organization, or institution* is being referenced as the source of the property's cultural heritage



significance, and, as a result, the designation by-law does not clearly communicate the historical/associative value of the property. In our view, additional rigour and analysis is required to support the conclusion that this property meets the criteria for designation on historical/associative grounds.

#### *Contextual Value*

The designation by-law states that “The subject property located at 5670 Steeles is historically linked to its surroundings and is a longstanding feature,” noting that the “structure” (unclear, as multiple structures exist on the property) “is setback [*sic*] on the lot, with a driveway leading to the property,” and claiming that “this element reflects the traces of the farming economy during the 19th and early 20th century farm cultural landscape.”

The decision in *Black v. Niagara-on-the-Lake (Town)* (“*Black*”) offers a clear explanation of what it means to be “linked” under this criterion. In *Black*, the Conservation Review Board (the specialized heritage tribunal that merged with the Ontario Land Tribunal in 2021) held that “there must be some substantial or important connection between the property and its surroundings that ‘ensure[s] the attainment of the legislature’s objectives.’ In other words, this important connection must establish CHVI [cultural heritage value or interest]” (*Black v. Niagara-on-the-Lake (Town)*, 2021, para 45).

Citing building setbacks and a driveway as evidence of traces of a former farm economy provides limited evidence of a historic link to the property’s surroundings and insufficient justification under this criterion. The existing driveway is not original; historical imagery shows that it was formerly located further east and approached the house at a different angle. It was reconfigured when Steeles Avenue was widened in 1985. Since the 1960s, the property has not been actively used for agricultural purposes by its owners, with only some small-scale vegetable farming carried out by a tenant farmer until his retirement several years ago. The land has remained fallow since. Given the small size of the parcel, it no longer functions as a meaningful or viable agricultural operation. Furthermore, the property is now (and has been for a significant length of time) surrounded by commercial and industrial development, further weakening any current or ongoing historical relationship to an agricultural context.

Accordingly, it is our opinion that this is a misapplication of O. Reg. 9/06 Criterion 8 (“The property is physically, functionally, visually or historically linked to its surroundings”). The key points here are the idea of a connection, as expressed by the term “linked”, and the relationship specifically between the property and its current surroundings. Simply existing in a location for a long time does not establish a meaningful historical relationship with the surrounding context.

#### *Heritage Attributes*

In conjunction with the description of property, legal description, and SCHV, the description of heritage attributes forms the final component of the information included in a designation by-law. Heritage attributes are the physical features that support the cultural heritage value and that need to be conserved in order to protect the significance of the heritage property.

The *Heritage Property Evaluation* guide expands on this: “The heritage attributes of the property, its buildings and/or structures are identified based on their contribution to the property’s cultural heritage value or interest. These





include the physical materials, forms, location and spatial configurations that together characterize the cultural heritage value or interest and should be retained to conserve that cultural heritage value or interest” (Section 5.2). The *Designating Heritage Properties* guide further emphasizes that, “The description of the heritage attributes of the property must explain how each heritage attribute contributes to the cultural heritage value or interest of the property” (Section 3.2.3).

In short, heritage attributes must be *physical features that clearly relate to the cultural heritage value*. For example, a projecting window bay or gabled roof on a building that is a representative example of Victorian Bay-and-Gable style. The heritage attributes listed in the designation by-law do not meet this two-part requirement. Below is specific feedback on each attribute:

- “2-storey Georgian structure” (Architectural Attribute): This is not sufficiently specific. Specific, existing architectural elements that exemplify the Georgian style and contribute to the property’s cultural heritage value should be identified.
- “Owned by William Hartman, who served as Deputy Reeve for Vaughan and published award-winning farmer” (Historical Attribute): This is a historical association, not a physical feature, and therefore is not a heritage attribute. Additionally, referring to Hartman as a “published award-winning farmer” is somewhat misleading, as the reference is to agricultural fair prizes and the publication of winners’ names in a newspaper.
- “Farm operations consisting of growing grain and corn, selling milk to Toronto, and pony farm” (Historical Attribute): These are past uses, not physical features or elements that can be protected or conserved.
- “The subject property is linked to the site and the surrounding connecting lot” (Contextual Attribute): The sentence structure is unclear, making the intended linkage difficult to understand.
- “The structure is setback from the main road and is set amongst a treed landscape area” (Contextual Attribute): Should clarify which structure, as there are several on the property. The statement should be reworded to identify the specific physical attribute that contributes to the Site’s cultural heritage value (e.g. the setback).

## Conclusion

It is our opinion that, as currently written, the designation by-law does not meet the standards outlined in provincial guidance for preparing a SCHV and heritage attributes. The designation by-law does not clearly identify the property’s cultural heritage value, does not distill properly framed heritage attributes, and largely presents a broad historical narrative rather than a focused identification of cultural heritage value and how it is physically expressed and embodied in the building(s) on the Site.

We recommend that this by-law be repealed and additional research and analysis be undertaken to ensure that provincial standards and best practices are upheld. We further recommend that Staff undertake a critical analysis of the evolution of this property to determine which of its features carry cultural heritage value, and the degree to which its integrity remains intact — particularly in light of the extensive exterior alterations to the residence on the Site.

Integrity is a key concept in heritage conservation and relates to the ability of a building or structure to clearly



communicate its cultural heritage value. Extensive alterations or the major changes to the context or setting of a heritage property can negatively impact its integrity. As noted in the *Designating Heritage Properties* guide (Section 4), “if a property is important for its architectural design or original details, and that design is irreparably changed, it loses its heritage value and its integrity.”

With respect to the house-form building on this site, the following alterations should be critically evaluated and their impact on integrity examined: the large vinyl-clad addition that envelops the entire west elevation, the covering of all the original brickwork with stucco (in place since at least to the 1950s), the insertion of a ground-floor doorway on the south elevation enclosed by a projecting vestibule, and the replacement of the original portico with a large porch on the east elevation. While the evolution of a heritage property can, in some cases, offer insight into changing social, economic, or technological patterns, not all alterations contribute to cultural heritage value. As the *Designating Heritage Properties* guide notes, “the challenge is being able to differentiate between alterations that are part of an historic evolution, and those that are expedient and offer no information of value.” In our view, the alterations to the house-form building on this Site fall into the latter category, as they do not reflect a historically meaningful progression of the property but instead obscure its original form and materials.

Further, the broader setting of the Site, in our view, no longer communicates the agricultural history of the area. As the Toolkit notes, “a building, structure, or landscape feature that has lost its context has lost an important part of its cultural heritage value” (*Designating Heritage Properties*, Section 4). The Site itself has not functioned as a productive landscape in many years and has been largely subdivided and given over to major transportation and hydro infrastructure. In our view, the cumulative impact of these changes has irreversibly diminished any remaining historical relationship between this Site and its historic agricultural context.

In summary, we recommend repeal and reconsideration of this designation by-law in line with the recommendations provided.



ERA Architects Inc.  
#600-625 Church St  
Toronto ON, M4Y 2G1

## APPENDIX A: SITE AND CONTEXT PHOTOGRAPHS



South elevation showing the west addition and projecting vestibule (ERA, 2025).



Close up of the west addition (ERA, 2025).



North elevation of the original house and east elevation of the large addition, showing the extent of the addition's protrusion (ERA, 2025).



Close up of the non-original porch (ERA, 2025).



East elevation showing the non-original porch (ERA, 2025).





ERA Architects Inc.  
#600-625 Church St  
Toronto ON, M4Y 2G1



Steeles Avenue West, looking southwest from the entrance to the Site (ERA, 2025).



Steeles Avenue West, looking northwest from the entrance to the Site (ERA, 2025).



Commercial warehouses west adjacent to the Site (ERA, 2025).



Looking northwest from the interior of the Site (ERA, 2025).

April 10, 2025

By E-Mail to [OLT.registrar@ontario.ca](mailto:OLT.registrar@ontario.ca) and [clerks@vaughan.ca](mailto:clerks@vaughan.ca)

Eukien Lui  
Registrar  
Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5

Todd Coles  
City Clerk  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

Dear Mr. Lui and Mr. Coles:

**Re: Notice of Appeal to the Ontario Land Tribunal  
Subsection 29(11) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18  
City of Vaughan By-law No. 180-2024  
5670 Steeles Avenue West, City of Vaughan**

We are counsel to Gary McKinnon, the owner of the property municipally known as 5670 Steeles Avenue West in the City of Vaughan (the “**Property**”).

## Background

On July 30, 2024, the City of Vaughan (the “**City**”) published a Notice of Intention to Designate the Property under Section 29 of the *Ontario Heritage Act* (the “**OHA**”). On August 1, 2024, Mr. McKinnon submitted to the City a notice of objection to the proposed designation of the Property by registered mail, in accordance with subsection 29(5) of the *OHA* (the “**Notice of Objection**”).

On October 29, 2024, City Council passed By-law No. 180-2024 designating the Property as a property of cultural heritage value or interest under section 29 of the *OHA* (the “**Designation By-law**”). Notice of the Designation By-law was issued by the City on March 11, 2025.

The City, in its consideration of the Designation By-law, failed to consider Mr. McKinnon’s Notice of Objection. The Designation By-law states that “...no notice of objection to the proposed designation was served within the thirty-day timeline prescribed by section 29(5) of the *Ontario Heritage Act*, R.S.O.” However, Mr. McKinnon received confirmation that his Notice of Objection was delivered and signed for by the City on August 2, 2024.

Mr. McKinnon objects to the Designation By-law as the designation was not made in accordance with the process prescribed by the *OHA* and the Property does not meet the

criteria for determining cultural heritage value or interest under O. Reg. 9/06, as is required to warrant designation. Accordingly, Mr. McKinnon hereby appeals the Designation By-law to the Tribunal pursuant to subsection 29(11) of the *OHA*.

## Reasons for Appeal

The reasons for this Appeal include the following:

1. The designation of the Property was not made in accordance with the process set out in section 29 of the *OHA* contrary to subsection 29(1)(b). Subsection 29(6) of the *OHA* states that

*“[i]f a notice of objection has been served under subsection (5), the council of the municipality shall consider the objection and make a decision whether or not to withdraw the notice of intention to designate...”* [emphasis added].

The City had a statutory obligation to consider Mr. McKinnon’s Notice of Objection before making a decision on the designation of the Property. As indicated in the Designation By-law, the City did not recognize Mr. McKinnon’s Notice of Objection as being received, and therefore, did not fulfil its obligation to consider it. Accordingly, the City failed to comply with the mandatory process required by section 29 and, on that basis alone, the Designation By-law must be repealed.

2. The Designation By-law is not supported by sufficient historical research and evidence to properly establish that the Property has cultural heritage value.
3. The Property does not meet the criteria for determining cultural heritage value or interest under O. Reg 9/06. The Statement of Cultural Heritage Values attached as Schedule B to the Designation By-law (the “**Statement**”) does not clearly identify valid heritage attributes of the Property or provide sufficient justification that the Property is worthy of designation.
4. The Statement identifies the building on the Property as being representative of the Georgian style with a particular emphasis on its red brick construction. However, the Statement fails to properly account for the significant alterations that have been made to the Property and the building in modern years including a 2,200 sq. ft addition constructed in 1978. The red brick, identified in the Statement as a defining material of the Georgian style, has been completely covered by white stucco. The existing building has been altered to an extent that it no longer reflects the original architectural intent and value. The Statement contains no information on the other buildings on the Property. These outbuildings are not associated with the original farmstead and have been added to the Property at various times throughout the years.

5. The City has not demonstrated that the Property has any associative value with a person that is significant to the community. The Statement identifies the associative value of the Property as its former ownership by William Hartman, a Deputy Reeve of the City for a short period of time in 1868 and 1869. However, the Statement does not establish that Mr. Hartman had any particular significance to the community, as is required by the criteria. Further, the two references to Mr. Hartman's participation in agricultural fairs do not sufficiently demonstrate that he held any significance to the community in terms of farming. The Statement also lists subsequent owners of the Property, including the McKinnon family and Mr. McKinnon himself, but fails to demonstrate or include any explanation as to how those individuals hold significance to the community.
6. The Statement contains very limited information about the nature and extent of farming operations on the Property other than noting some products (grain, corn, milk) which are stated to have been grown/produced there. No historical or documentary evidence is referenced to ascertain the source of this information. Further, the Statement does not identify any particular attributes or characteristics of the Property that are associated with the types of farm products produced. The Statement does not provide any rationale as to why this information contributes to an understanding of the community which would warrant designation and accordingly, the relevant criteria has not been met.
7. The Statement does not demonstrate that the Property has contextual value that warrants its designation. The Statement identifies the building setback from the main road and the treed area as the Property's key contextual attributes. While these features may reflect some elements of a traditional farmhouse setting, there is no evidence or justification provided that these isolated components of the Property create sufficient contextual value to meet the criteria and merit designation. Further, the area surrounding the Property has been fully urbanized and developed with industrial uses to the east and south, residential subdivisions to the south and Highway 407 to the north. The Property is bounded by two arterial roads (Steeles Avenue and Martin Grove Rd). The surrounding infrastructure and development have changed the context of the area to such an extent that the Property no longer serves as a meaningful connection to the area's agricultural past.
8. Such further and other reasons as counsel may provide and the Tribunal may permit.



## Enclosures

Please find enclosed with this Notice of Appeal a completed OLT Appeal Form (A1).

We have been advised by the Tribunal that it does not require a fee for appeals filed under subsection 29(11) of the *OHA*.

Should you have questions or require additional information, please do not hesitate to contact me.

Yours truly,

**DAVIES HOWE LLP**



Meaghan McDermid

MM:ae

encl.: as above.

copy: Client