



**MINUTES**  
**MARKHAM SUB-COMMITTEE**  
Wednesday April 11, 2012  
Canada Room

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**Members**

Deputy Mayor Jack Heath  
Councillor Carolina Moretti  
Councillor Colin Campbell

**Guest Councillors**

Regional Councillor Joe Li  
Councillor Valerie Burke  
Councillor Don Hamilton

**Staff**

Regan Hutcheson, Manager of Heritage Planning  
George Duncan, Senior Heritage Planner  
Peter Wokral, Heritage Planner  
Tim Moore, Director, Building Standards  
Kitty Bavington, Council/Committee Coordinator

**Others**

Alexis Whalen  
Brett Whalen  
Don Whalen  
Russ Gregory

The Markham Sub-Committee convened at 5:15 p.m. with Councillor Colin Campbell as Chair.

The meeting commenced with a site visit to 41 Albert Street at 4:00 p.m., and continued with discussions in the Canada Room at the Markham Civic Centre, at 5:15 p.m.

**DISCLOSURE OF INTEREST** – None declared

**1. REVISIONS TO APPROVED PLANS  
DUE TO UNAUTHORIZED DEMOLITION OF  
HERITAGE DWELLING BUILDING PERMIT  
APPLICATION HP 11 122569 000 01  
41 ALBERT STREET, MARKHAM VILLAGE (16.11)**

The following directions had been given by the Development Services Committee on March 27, 2012:

That this matter be referred to the Markham Subcommittee for further discussions prior to April 17, 2012; and

That the following recommendations (in part) be deferred to Development Services Committee on April 17, 2012, and directly to Council on April 17, 2012:

- a) *That Council does not support the Building Permit application seeking approval for the unauthorized alteration of the single detached dwelling at 41 Albert St. Markham Village; and,*
- b) *That Council would support a revised building permit application from the applicant, that replicates the original dimensions and form of the former heritage dwelling at 41 Albert St. which includes the retention of any of the historic materials that have not yet been disposed of.*

The Sub-Committee had before it:

- Minutes of March 27, 2012 Development Services Committee meeting
- Staff Report dated March 27, 2012
- Presentation submitted by Alexis and Brett Whalen on March 27, 2012
- Clarification notes from Heritage staff dated April 11, 2012

Staff provided clarification on matters discussed at the Development Services Committee meeting regarding:

- Contravention of heritage standards by the previous owner and a comparison of the current contraventions;
- Building Code issues
- Participation in the Town's Property Tax Reduction Program by the previous owner
- Status of property in the Heritage District Plan
- History of the property
- Professionalism of staff
- Markham listing of contractors
- Conflict of Interest
- At what point did the Town become aware of the current contravention and what actions were taken
- What actions can reasonably be taken to rectify the unauthorized alterations
- Costs associated with the options

The Committee commented on the Conflict of Interest explanation and questioned whether the interpretation met the standard of the Conflict of Interest Act. It was noted that members of Town advisory committees are responsible for determining whether they believe they have a conflict of interest and that staff do not advise members on this matter.

Mr. Whalen provided additional comments to clarify statements made regarding previous permits issued and the Stop Work Order. The applicants stated they would have preferred to retain more of the building but were unable to do so. They had hired a heritage expert who was unable to complete the job due to the long process, and in his professional opinion, they would be unable to comply with the Town's directions regardless of the amount of money spent.

The Committee expressed concern that the applicant knowingly continued with unauthorized alterations instead of waiting for approvals. The processes involved in issuing permits, inspections, determining and documenting the work to be done, and conveying information to the applicants were discussed. Staff advised that applicants are expected to comply with approved plans; however variances often occur during the building process, but this is following a consultation process and obtaining revised approvals. Staff noted that the Town now has a Building Inspector trained in heritage aspects and assigned to inspect heritage buildings, for a more comprehensive understanding of the issues involved.

The Committee questioned why the pitch of the roof and porch roof had changed, and staff advised it would have been an aesthetics issue, not structural. The applicant's consultant explained how the structural changes affected the building height and pitch of the roof. The Committee suggested the change in the height of the roof cannot be differentiated by most people unless referring to a photograph of the former original dwelling, and it does not make a significant difference to the look of the house. The Committee discussed the impact to the streetscape and generally agreed that the new building still fits into the streetscape. The Ward

Councillor advised that several neighbours had provided comments in support of the renovated building.

Other comments and questions by the Committee:

- the professional opinions of the Heritage expert and Certified Structural Engineer hired by the applicant had been questioned by the Town
- while the applicant argues that only 10% of building structure was Heritage material at the time the unauthorized alterations occurred, staff stated that up to 50% of the building could be considered of heritage significance, although some of the materials were compromised
- the Heritage Easement Agreement identifies attributes to be preserved.
- the securing of the Heritage Easement and Class A designation by the previous owner was questioned by the Committee
- the difference between the Order to Comply issued in December, 2011, and the Stop Work Order issued in March, 2012

The Committee expressed concern for situations where work is done first and forgiveness is sought later. It was emphasised that staff are hired to protect heritage and they do their job well. Discussions involved potential changes to process and regulations that may assist staff and applicants in the future.

It was generally agreed that notwithstanding the heritage building was lost, the replacement construction was well done and that it would not be productive to spend more money to redo the roof; however, options were considered to improve the heritage streetscape. The applicant agreed to construction of a wooden white picket fence along the street.

Moved by: Councillor Colin Campbell

Seconded by: Deputy Mayor Jack Heath

That the single detached dwelling at 41 Albert Street, Markham Village, be approved as constructed; and,

That the owners pay for a Markham Remembered plaque that would be installed at the front of the property detailing the former heritage building; and,

That the owners construct a wooden white picket fence along the street; and further,

That the owners complete the appropriate Building Permit processes and receive approvals for the alterations and the Site Plan Agreement be revised as per Council's direction.

CARRIED

The Markham Sub-Committee adjourned at 6:40 p.m.