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Received Mar. 27/12

March 27, 2011

Good Morning,

My name is Alexis Whalen and this is my husband Brett. We live at
in Markham Village. We have two children,

And, we **love** our neighborhood. My husband and I are both originally from the Markham area, Brett growing up on Fred Varley Drive in Unionville and myself living just outside Locust Hill in a converted Apple Basket Factory dating back to the mid 1800s. We met at Unionville High School and later married and started a family in Markham. We chose to live in the village because of its walk-ability and the unique character of the street-scapes.

This is a photograph of our home, which we built on Albert Street 6 years ago. Our home replaced a bungalow built in the 1950s that was a Type "C", which is defined as having "no relationship to heritage". The demolition of that "C" dwelling faced opposition by Heritage Markham, but council unanimously allowed a demolition to be issued. Our new home upon completion was called "**the house that ruined Markham**" by the past chair of Heritage Markham during a committee meeting.

We are here today because in 2010 we were invited to purchase the property immediately south of ours, 41 Albert Street. In the recent past, the lots had shared the same owner and the property was a complement to ours. We were well aware of the status of the "historic" cottage on the lot and had every intent to improve it's condition thereby making it more compatible with other homes on the street. I want to make it very clear to the committee that from the start our intent was **NEVER** to demolish the dwelling.

Shortly after the purchase closed, we had an initial exploratory meeting with Heritage Markham Staff to discuss our options for renovations. Staff made three distinct points :

1. The overall form of the house was important, that being it was a good example of a workers cottage;
2. The house could not be moved to the back of the lot, it must stay street-proud; and,
3. Staff would not support a two-story addition that would destroy the character of the dwelling.

Due to previous struggles we had with Heritage Markham while building 43 Albert, we wanted this process to go as smoothly and competently as possible. Subsequent to the meeting we began to search for expert contractors who were appropriately skilled to handle this project. We chose a company from the Kingston area, Normand J. LeBlancq Inc. who's lead consultant, John LeBlancq sits on the Frontenac Heritage Foundation, and the 1000 Islands Heritage Committee. With significant technical experience on historic architecture in Ontario, we felt that John and his team were qualified to give us an opinion of how to tackle our new house project. John completed a thorough inspection of the historic cottage and concluded that it was structurally unsound, electrically unsound, infested with vermin and feces and most unsettling of all, the historic materials in the home were largely gone, rotten or deficient beyond repair. He called for an Structural Engineer's Report to provide a second opinion. The engineer, John Pelow, documented these five things:

- 1) The concrete foundation had been ruined from poor drainage on the lot;
- 2) Eleven of the floor joists were completely rotten and could be torn apart with bare hands;
- 3) 95% of the sill plate was missing and three corners of the house did not sit on a sill plate;
- 4) Most of the original studs were missing including all those that were part of the structure of the front of the house. The remaining studs were deficient from numerous holes from past renovations. So much so that the number of holes in the studs reduced the strength of those studs;
- 5) Lastly, 40% of the original roof system was modified with the elimination of the ceiling joists thus seriously weakening the structural capacity of the roof.

Subsequent to the inspection, John recommended immediately disconnecting power for fear of imminent fire and that we contact Building Standards and Heritage Markham to convey to the Town the seriousness of the house's condition. It was during that time that I discovered that there was in fact an open permit on this house and it had never been issued an occupancy permit after renovations completed by the previous owners. I will return to this point later.

We convened a special site visit of the Markham Heritage Committee to discuss and display the condition of the home. No Councilors from the Heritage Committee were available to attend the meeting. Heritage Staff and Committee Members were invited to inspect the home with John LeBlancq who noted the absence of substantial heritage materials, the compromised structural system and the horrendous condition of the foundation. At the time, the previous owner, who was also a Member of the Heritage Markham Committee, called into question the credibility of John LeBlancq and his team. We insisted that she recuse herself from the discussions based on a conflict of interest but our pleas fell on deaf ears. Heritage explained to us that since the previous owner no longer had a financial interest in the house that there was no conflict. Heritage Markham insisted that the home was salvageable and that we must continue with a plan to lift the home, pour a new foundation and renovate it. John walked away. Our own heritage expert could no longer cope with the Heritage Markham Committee.

After much soul searching and teeth gnashing, we decided to call in a third expert to help us with the conflicting opinions. We called Legacy Home Inspections, who are Registered and Certified Home Inspectors, experts in Heritage Architecture and past builders of custom homes. Legacy had inspected my family's 150-year-old home about 15 years prior on behalf of the Federal Government of Canada. He inspected our cottage and provided us with a detailed report that aligned with John's previous findings and added that the deterioration of the building was contributed to by neglect, age, moisture, dry rot and renovation by persons of limited knowledge.

Legacy also dissected the Heritage Easement on 41 Albert Street and drew up some points for us to consider.

- 1) The "original wood, double hung 2/2 windows" were not original as shown clearly in a photograph from 2001.
- 2) The early 20th Century front door was not original as shown in the same photograph.
- 3) The returned eaves were very obviously not original and are not seen in the 2001 photographs.
- 4) The Easement agreement was created in 2004 after the previous owners had completed their renovations. Many of the

items listed in the Easement did not exist prior to the renovations and that the previous owners had created a fictional house. They had created a Georgian cottage that may or may not have ever looked like it did now. It was in fact "smoke and mirrors".

Legacy for obvious reasons suggested demolition. We insisted on brainstorming alternatives. He stated that as a homebuilder he couldn't imagine trying to renovate the place and quite frankly he didn't know where he would begin or if it could even be done. Heritage Markham's response to all this was that we were using the wrong team of experts and that we weren't choosing contractors from the "Heritage Markham Contractor List". That very same list where two members of the previous owners family are listed - one as a Master Carpenter.

Since doing nothing was not an option, we had no choice but to optimistically forge ahead. We respected our neighbours too much to leave the dwelling rotting and crumbling. We drew up plans for a studio/pool house with Russ Gregory. The plans met the original three criteria from Heritage Staff: overall form the same, street proud, with no multiple story addition.

During the initial reconstruction phase our builder quickly came across insurmountable structural issues, he tried to contact Heritage Staff to discuss them and received no response. We continued with the project with a philosophy of using our best efforts to rebuild as close to the original as possible, keeping in mind that we needed this renovation to be up to Building Code, and safe for my family. Heritage Markham had approved plans for us to put a centre ridge beam in the ceiling, where none had been before, to restore support to the roof, and in doing so we had to cut and remove the few rafters that remained. They had also approved plans to add to small additions to either side of the main building, we did that. Proper headers and additional reinforcement were put over the door openings and the walls were raised roughly 6 to 8 inches. At one point, indeed the front wall was the only part of the house that remained standing, however we never did this work on the weekend, or under the cover of darkness as Heritage Markham has suggested in past meetings. We did all of the new construction during regular business hours, Monday to Friday. Someone reportedly told Heritage

Markham that we demolished everything except the front door, this is simply not true. The entire front wall remained standing at all times. You can ask any one of our neighbours. The removal of any heritage materials on our watch was simply because they were rotten, infested or deteriorated beyond use. Our priority was to have a safe and sound structure. At the end of the day, we did our reasonable best with a derelict house.

Which brings us up to present day. We stand here accused of demolishing a Heritage house and the penalty is a) prosecution under the Heritage Act, and, b) demolishing the current structure and rebuilding it 8 inches lower. I think it is clear to everyone that the house today stands proud on Albert Street. To reference the Heritage Easement, it has all of the significant features to be retained. It is still a good example of a frame workers cottage with the influence of Georgian style. It still has a three bay facade with a centre doorway. It is still clad in vertical board and batten siding with wood, double hung 2/2 windows. It still has wood soffits and fascia. It still has its distinctive front stoop porch. It still features returned eaves. It still has all the original window and door openings. It has retained its overall form and it is still an important contributor to the character of Albert Street. We have respected the original requests of Heritage Markham that it not be moved from its street proud location, that the overall form remain the same, and that no multiple story addition would be added. It is unlikely that any other purchaser of this property would have accommodated these requirements.

I also need to take some time to point out the shameful track record and lack of oversight from the Town of Markham regarding this property. The previous owner was allowed to complete un-permitted renovations on this home. Permits were only sought after complaints were made to the Town by the Albert Street neighbours. A violation is on record at the Building Standards Department for work completed **without a permit** in 2002. After that violation a permit was taken out for a **"New gable roof over rear addition"**. There is no record of permits for the alteration of the historic portion of the house or for electrical work. In our expert consultants' opinions, the work would never have passed inspection and largely ignored the glaring structural issues present. We also have drawings from that gable roof permit that show a final dwelling that deviates from the plans approved by the Building Department. Furthermore, the previous

owner never closed the gable roof permit and a Final Occupancy Permit was never obtained for this house.

I would like to read an email dated November 17th, 2003 from a resident of Albert Street to Heritage Markham:

"I live in a neighborhood where residents take pride in the appearance of their homes. We have historically significant homes and homes that have been recently built to blend to the heritage requirements of the Town. When I pass 41 Albert Street, I am appalled by the lack of care given to this house by the new owner for the past 2 years. For most of the time, the windows have been boarded up, the north wall has been removed to expose fibreglass insulation, the "weeds" haven't been mowed since June, and large rodents are living on the property and are visible from the road. This owner shows no regard for the neighbours or our neighborhood. The previous owner, a 90+ year old senior, would be outraged that the home she lived in for years would be left to such disrepair. Her home was filled with begonias every year and the lawn maintained. I draw your attention to 41 Albert Street because this house is currently being "renovated" under the Heritage Markham guidelines. We had to jump through hoops to complete our addition to our home on Albert Street and are still working to satisfy the "requirements" of Heritage Markham. What recourse do I have to get this "renovation" completed? I am not satisfied living so close to the neighbourhood "crack house".

In addition to above renovations, the previous owner made multiple changes to this home with no documented permission from Heritage or Town Staff. For example, garages were added and demolished without permits, windows and chimneys were removed, and paint colours were changed without following the appropriate processes. All of this allowed or overlooked because one of the owners was a member of the Heritage Markham committee and a so-called expert in her field.

The previous owners **knew** they had simply put **"lipstick on a pig"** and it would only be a matter of time until the massive underlying issues with the house would come to the surface. Why do you think they sold it? They knew the insurmountable task, the cost and extent of

repairs facing them to keep this house standing. The most glaring error in judgment is that the previous owner was allowed to continue to participate in discussions relating to this house while she sat on the Heritage Committee.

It is worth noting that the Couperthwaite family received offers of \$300,000 on this property in 2001 subject to demolition. Heritage opposed demolition and the house sat unsold until the previous owners purchased it for \$160,000. We purchased the house for \$390,000. They profited \$230,000 knowing full well they had contributed to the deterioration of the house all under the watchful eye of Heritage Markham.

You may be gaining some insight into the ridiculousness of our dealings with Heritage Markham. On multiple occasions we have been left dumbfounded by their lack of professionalism and I'll give just a few more examples:

- 1) During our site visit, George Duncan decreed that we would need to keep the floors of the cottage. Nowhere in our Easement, or in any other Heritage Markham protocol is it listed that Heritage has any authority over the interior of a house. We had intent to salvage the floors, but it was not within his right to dictate that we keep the floors of the cottage.
- 2) Secondly, while seeking a permit to raise the cottage, I was asked by George Duncan to provide a list of items to Chris Bird in the Planning Department and that Mr. Bird was expecting them before he issue the permit. When I arrived at the Town with all necessary documents, Mr. Bird said that he had never had a discussion with George Duncan on the topic of this house and that what I was providing was completely inadequate and unacceptable. I had wasted hours of time and was forced to start over. Which one of them was lying? I will never know, but it spoke volumes about the internal relationships at the Town of Markham.
- 3) Within the past few weeks, our property has been placed on the agenda of several Town meetings. For the Heritage Markham meeting where our disciplinary action was being discussed, we were given 5 hours notice to attend. Neither of us could be there and Reagan Hutchison refused to move the item to the next meeting citing time constraints. For this meeting today, we were put on the agenda without any notification at all. We

fortunately found out a week ago when my husband placed a call to Peter Wokral to attempt to get on the agenda for this meeting. This shows a complete lack of respect for our time and for us.

My last point is to briefly discuss the background history of this dwelling. I have actively researched any thread of history I could find for this property. There is little.

- 1) I have found no evidence at the Markham Museum, in the Lunau Transcripts, or anecdotally among our senior neighbours to prove that the home was built in 1860.
- 2) There is no proof that it was constructed at this site, and especially perplexing is that the house does not appear on the Markham fire maps until 1927. There are citizens assessed on the Markham Assessment Roles as living in a dwelling on this lot prior to 1927 but there is no house shown on the map.
- 3) The house was indeed a cottage for workers in Markham Village. Over the years it was owned or lived in by carriage builders, harness makers, weavers, painters and barbers. However, after 1940 it was largely a rental unit. There was rarely pride of ownership in the property and therefore limited means and resources were invested in the home for many years.
- 4) It has been surmised that the original lumber used to construct the cottage came from old railway cars. There is again no proof of this, but this could explain why the wood was found to be so deteriorated and was of such poor quality from the start.

The bottom line is that while the past lives of the inhabitants of 41 Albert Street are very important and there is no doubt that they helped shape this corner of Markham, **this home was not well built and it was not well maintained.**

The foundation of our entire argument today is based the following information. I would now like to refer to The Markham Village Heritage Conservation District original 85-page document created in 1989 called "Defining the District" where a thorough analysis of all houses in Markham Village, including 41 Albert Street, was performed. At that time it identified 41 Albert as a Type "B" dwelling meaning it is a building that complements the heritage character of the district but has no significant heritage value. That's insightful unto itself but we need to put that in context and look at how many properties hit the

threshold of significant heritage value in Markham Village. On page 55 of the same document it states and I quote;

"Markham village sub-district has a total of approximately 270 buildings, of which 108 or 40% are thus considered to be of heritage nature. This figure does not include the Type B buildings which are rated as being "compatible" with the historic character of the area."

As of 1989, 41 Albert was not included in the top 40% of all houses in the district with regards to heritage value. After the previous owners took possession, replacing windows, doors, siding and giving it a fresh coat of paint, the house suddenly becomes classified in the top 1% of the heritage buildings in Markham Village. **You cannot create heritage significance with a coat of paint and a piece of paper.**

I'll state this again. This home was a "B", having no significant heritage value but a complement to the street. None of that has changed today, it is still a complement to the heritage character of the district and at this point it has now been so well built that it will last well into the next 100 years. There is no danger in the past being forgotten when people pass this little cottage. **Its past speaks loudly and clearly.**

Today we appeal to your sense of reason and your view of Markham as a whole. Eight inches of increased wall height and new siding does not destroy this house as an artifact of Markham's past. Yes, we deviated from the site plan agreement, but demolition of a perfectly lovely and entirely appropriate structure is a waste of time and resources.

Furthermore please ask yourself why our family should pay the price for the disgraceful behavior of past members of Heritage Markham. This home was mistreated, Heritage Markham processes were ignored, and the public was deceived. This was an award winning Heritage Home that has been celebrated and included on a Doors Open Markham tour. How could a home in such grave condition be held up as an example of fine restoration work? How could the public have been invited through a home that in fact could have collapsed underneath them? If this is a good example of restorative work, Council and the citizens of Markham should all be deeply ashamed.