



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Final Recommendation Report – Heritage Designation of 48 Properties Staff Report to Council

Report Number: 2025-01

Department(s): Planning and Building Services

Author(s): Umar Mahmood, Planner, Committee of Adjustment and Cultural Heritage,
Planning Services

Meeting Date: January 13, 2025

Recommendations

1. That the report entitled Final Recommendation Report – Heritage Designation of 48 Properties dated January 13, 2025 be received; and,
2. That Town Council consider all objections to the Notice of Intention to Designate (NOID) received within the Notice of Objection Period; and
3. That the designation of 48 properties be approved; and,
4. That staff prepare a draft designation By-law for each property meeting designation criteria; and,
5. That all remaining non-designated heritage properties be removed from the municipal list of non-designated heritage properties; and
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

This Report outlines the Town's response to legislative changes introduced through Bill 23: *More Homes, Built Faster Act*. This legislation mandates that non-designated heritage properties be removed from municipal lists of non-designated heritage properties by January 1, 2027, unless a formal Notice of Intention to Designate (NOID) is issued for such properties. Bill 23 also requires properties to meet at least two of the nine provincial criteria for heritage designation under the *Ontario Heritage Act*.

To address this, the Town retained Archaeological Research Associates Ltd. (ARA) to assess 367 non-designated heritage properties. From this review, 49 properties were initially identified for designation, and following detailed evaluations, 48 properties were confirmed to meet the provincial criteria.

Owners of the 48 properties were notified of the evaluations and the Heritage Newmarket Advisory Committee were consulted prior to review of the final list. Notices of Intention to Designate (NOIDs) were issued on November 1, 2024 with the objection period ending on December 1, 2024. The Town received 11 objections citing concerns such as financial impacts, future development restrictions and procedural issues, while two property owners expressed support.

It is staff's opinion that designating these 48 properties is essential to preserving Newmarket's cultural heritage, which reflects its rich history, architectural legacy, and community identity. These properties include historic built form integral to Newmarket significant history.

Purpose

The purpose of this report is to bring forward to 48 properties for designation under Part IV of the *Ontario Heritage Act*.

Background

In November of 2022, the provincial government enacted Bill 23, known as the *More Homes, Built Faster Act*. This legislation brought forth comprehensive changes to land use planning throughout Ontario. Regarding cultural heritage, Schedule 6 of the Bill made changes to the *Ontario Heritage Act*. These revisions took effect on January 1, 2023, and municipalities are mandated to adhere to these changes. One of the key changes involves municipal lists of non-designated heritage properties.

The major change resulting from Bill 23 is that properties currently on the non-designated heritage register will be automatically removed from the register on January 1, 2027 if they are not been issued a Notice of Intention to Designate (NOID) by this date. This new legislation requires municipalities to assess their non-designated lists and move forward with designation where warranted. When properties are removed from the non-designated list, they may not be re-added to the list for a period of 5 years.

Bill 23 also changed criteria for meeting designation. Properties must now meet two or more of the criteria set out in O.Reg. 9/06 to be designated (Attachment 1), whereas previously only one of the nine criteria had to be met for a property to be designated.

Work Completed to Date to Respond Bill 23

In February 2023 the Town retained the services of Archaeological Research Associates Ltd. (ARA) to complete a review of the Town's 367 properties that are on the non-designated heritage list.

Final Recommendation Report – Heritage Designation of 48 Properties

Of the 367 properties on the non-designated heritage list, a total of 49 (approximately 13%) were flagged as potentially meeting the designation criteria. These 49 properties were further categorized into priority levels 1 to 3. The 49 properties (hereafter referred to as the Priority List), regardless of priority level, comprised the Priority List for designation.

Out of the 49 properties on the Priority List:

- 13 properties are categorized as priority 1
- 15 properties are categorized as priority 2
- 21 properties are categorized as priority 3

On March 4th, 2024, all owners of the 49 priority properties were notified by mail of the project's commencement and specifically that the Town will be reviewing their property to see if it meets provincial criteria for heritage designation (Attachment 2). This was the first non-statutory courtesy mail-out.

On March 19th, 2024, Heritage Newmarket Advisory Committee was consulted as per the requirements of the *Ontario Heritage Act*. The Priority List was brought forward to Heritage Newmarket Advisory Committee. The Committee provided comments on the properties and recommended proceeding with the Priority List. The Committee recommended the addition of 371 Davis Drive. 371 Davis Drive was then added to the priority list.

On April 17th, 2024, letters were hand delivered to the priority properties, again advising that the Town is considering to designate their property under the *Ontario Heritage Act*. This was the second non-statutory courtesy mail-out.

On May 27, 2024, Staff brought forward an Info Report on [Bill 23-Non-designated Heritage Properties](#) to Council, which recommended: that the list of 49 Priority Properties is received, and that Staff be instructed to proceed to issue a Notice of Intention to Designate (NOID) to all properties on the Priority List should they meet the Provincial designation criteria after further evaluation.

Staff met with any property owners who had questions or concerns about the possible heritage designation and provided detailed information about the designation process.

The Town's heritage consultants ARA were then instructed to prepare 49 designation reports for all priority properties (Attachment 3). This involved detailed research on each property. Out of the 49 priority properties, 48 met provincial criteria for designation.

On November 1, 2024 staff issued 48 Notices of Intention to Designate (NOID) for each address that met provincial designation criteria. Notice was given as per the requirements of the *Ontario Heritage Act* and the Town's Notice Policy and Procedure By-law. The NOIDs were also posted on the Town's website, sent to each property owner through standard mail, and sent the Ontario Heritage Trust as per the requirements of the *Ontario Heritage Act*.

Discussion

Why is Newmarket Unique

The Town of Newmarket stands out for its cultural heritage because of its rich history and high volume of built heritage resources which showcase its growth and evolution over time. As a town that played a significant role in Ontario's early economic and political history, Newmarket has many historic landmarks, including well-preserved 19th-century buildings, heritage streetscapes, and culturally significant sites.

Newmarket was key stop along historical trade routes, such as the Holland River, played a significant role in the Upper Canada Rebellion of 1837, and has significant importance in regional and national history. The town's downtown core, designated as a Provincially Significant Heritage Conservation District, reflects a vibrant mix of architectural styles and historical uses, showcasing the evolution of the community from a milling town to a modern urban centre.

Why is preserving heritage important

Preserving heritage resources is essential for the Town of Newmarket as it strengthens the community's identity, fosters pride, and ensures the town's unique character is passed on to future generations.

Heritage buildings, landmarks, and landscapes reflect Newmarket's development, its people, and their contributions to Ontario's history. Protecting heritage resources helps maintain a sense of place and community. Additionally, heritage conservation provides economic benefits by attracting tourists and contributing to economic development.

Provincial Criteria for Designation

Under the *Ontario Heritage Act* (OHA), after January 1, 2023 individual properties can be designated if they meet at least two out of the nine criteria outlined in Ontario Regulation 9/06, which establishes the criteria for determining cultural heritage value or interest (Attachment 1). The criteria are sub categorized into design or physical value, historical or associative value, and contextual value.

- **Design or physical value** applies to properties that have rare, unique, or representative examples of a particular style, type, material, or construction method. These also include properties that display a high degree of craftsmanship, artistic merit, or technical and scientific achievement.
- **Historical or associative value** applies to properties that are directly associated with a significant theme, event, belief, person, activity, organization, or institution. The property may also yield or has potential to yield information that contributes to an understanding of the community or culture. This category also includes properties reflecting the work or ideas of an architect, artist, builder, designer, or theorist significant to the community.

- **Contextual value** applies to properties that define, maintain, or support the character of an area. Properties may also be physically, visually, or historically linked to their surroundings. Properties may have contextual value if it is a landmark.

Consultant Findings - 48 Properties Met Heritage Designation Criteria

The Town's heritage consultants (ARA) completed 49 Heritage Designation Reports (Attachment 3). A designation report evaluates a property's ability to meet the provincial criteria for individual designation under O. Reg 9/06. It also includes information about the property's history, includes photographs, observations from site visits, a statement of cultural heritage value or interest and identifies the property's cultural heritage elements. As noted, out of the 49 properties evaluated, 48 properties met two or more of the provincial criteria for property designation.

It is the opinion of both staff and the Town's heritage consultant that all 48 properties that meet provincial criteria should be advanced for individual heritage designation under Section 29 of the *Ontario Heritage Act*.

Legislative Process

In order to designate these properties, Council must first consider within 90 days of issuance of the NOID (Nov 1, 2024) any objections that have been served on to the Town Clerk during the 30 days objection period. As per Section 29(5) of the *Ontario Heritage Act*, each objection must clearly state the reason for their objection and all relevant facts. By January 30, 2025, Council must consider any objections received and decide whether or not to proceed with the designation or withdraw the NOID and issue a notice of withdrawal. If Council wishes to proceed with designation of the 48 NOIDs as per the recommendation of this report, then they must pass a designation by-law by March 1, 2025 for each property (within 120 days of issuance of the NOID). As per section 29(11) designation By-laws can be appealed within 30 days to the Ontario Land Tribunal. If no appeal are received within the 30 day time period, the by-law comes into force, the Clerk shall register the by-law on title, and a copy of the registered by-law is served on to the Ontario Heritage Trust.

Objections

The Town is in receipt of 11 Notices of Objection (Attachment 4) received during the statutory objection period. Objections received cited reasons including the perceived condition of the property, impact on the use and future development plans, lack of public interest or benefit, financial impact, building and fire code requirements, high cost of insurance, not meeting provincial criteria, infringement on constitutional rights, legal reasons, not consenting to the designation, among others. In consideration of some of the objections received, staff have worked with some property owners where appropriate to draft the designation by-law in such a way that would still protect the heritage features of the property, but would also provide some flexibility in future

development plans, additions, etc. Staff also believe that working with property owners in this way will reduce the likeliness of a potential appeal.

Support

Staff have also received correspondence from two property owners indicating support for the designation.

The Remainder of the Non-designated Heritage List

On January 1, 2027 all remaining non-designated heritage are set to automatically be removed from the list and cannot be re-added for a period of 5 years. As part of this exercise, Staff are recommending the removal of these non-designated properties at this time. The advantage of removing these properties now is that it effectively begins the 5 year re-add period from the removal date. In the future, as properties age they could exhibit elements that should be preserved and re-evaluating after 5 years is a good barometer for preserving heritage. The only downside to removing properties from the non-designated list is that they lose heritage protection in demolition. However, this is mitigated due to the fact that Staff is confident that a thorough process was followed and one that has captured all properties that should be designated currently.

Heritage Property Tax Rebate Program

The Town currently has a Heritage Property Tax Rebate Program where eligible properties can apply for a tax rebate. Eligibility for heritage properties are that they are individually designated or apart of the heritage conservation district, and have entered into an agreement regarding heritage with the Town or Ontario Heritage Foundation (i.e. a heritage easement agreement).

In 2024, out of the 47 properties that are currently designated under Part IV of the *Ontario Heritage Act*, 10 properties had applied and received a heritage property tax rebate. The rebate is currently 40% of the taxes for municipal and school purposes. Further information regarding the program can be found through By-law 2003-141. All newly designated properties would be eligible candidates for a rebate in 2026 based on their taxes paid in 2025.

Staff are currently reviewing this program with the objective of achieving a streamlined process. It is anticipated that staff will report back to Council on this revised process in Q4, 2025.

Conclusion

Through the evaluation and proposed designation of 48 properties, the Town demonstrates its commitment to preserving this unique heritage while complying and responding to new provincial legislation. By safeguarding these resources.

Council must address the 11 Notices of Objection received during the objection period. By January 30, 2025, Council must review and decide whether to proceed with the Final Recommendation Report – Heritage Designation of 48 Properties

designation or withdraw the Notice of Intention to Designate (NOID) for any contested proposed designation. For properties proceeding with designation, individual designation By-laws must be passed by March 1, 2025, to meet the 120-day deadline from the issuance of the NOIDs. Additionally, staff are recommending that the list of non-designated heritage properties be updated by removing all remaining non-designated heritage properties.

It is to be expected that there will be an increase in Heritage Property Tax Rebate applications in 2026 due to the increased number of properties eligible to participate in the program (through designation). Staff will work in 2025 to streamline this process.

Business Plan and Strategic Plan Linkages

- Community and Economic Vibrancy
- Customer-First Way of Life
- Extraordinary Places and Spaces

Consultation

- Archeological Research Associates (ARA) LTD.
- Heritage Newmarket Advisory Committee

Human Resource Considerations

None

Budget Impact

If the recommendations in this report are approved, Staff anticipate the number of heritage properties in 2025 to increase. Additional budget may be needed to be allocated to the Heritage Property Tax Rebate program.

Attachments

Attachment 1 – O.Reg 9/06 - Criteria for Determining Cultural Heritage Value or Interest

Attachment 2 – Planning Heritage Letter Mar 4, 2024

Attachment 3 – [Final Designation Reports](#)

Attachment 4 – Combined Notice of Objection Letters Redacted

Submitted by

Umar Mahmood, Planner, Committee of Adjustment and Cultural Heritage, Planning Services

Approved for Submission

Adrian Cammaert, MCIP, RPP, Manager of Planning Services

Jason Unger, MCIP, RPP, Director of Planning and Building Services

Peter Noehammer, P. Eng, Commissioner, Development and Infrastructure Services

Contact

For more information, please contact Umar Mahmood, Planner, Committee of Adjustment and Cultural Heritage, Planner Services