

Heritage Matters...in

Demolition Control

Markham protects its heritage properties. Properties identified as being of cultural heritage value or interest possess specific levels of protection from demolition. These include properties:

- Listed on Markham Register of Property of Cultural Heritage Value or Interest
- Subject to a 'Notice of Intention to Designate' resolution passed by Council
- Individually Designated (Part IV of the Ontario Heritage Act)
- Located within a heritage conservation district (Part V of the Ontario Heritage Act)

Request for Demolition

Depending on the status of the property, there are different review processes under the applicable sections of the Ontario Heritage Act (the "Act"). These processes are further explained below. Please also note that the Act's review process must be completed prior to the submission of a demolition permit application pursuant to the Ontario Building Code Act through the Markham Building Standards Department.

Request to Demolish a Listed Property

For Listed properties on the Markham Register of Property of Cultural Heritage Value or Interest that:

- are not designated individually or within a designated heritage conservation district, or
- Council has not passed a Notice of Intention to Designate

the procedure outlined in Section 27 of the Act will be followed.

To initiate a demolition request for a Listed property, the Owner must provide written notification to the City of Markham Heritage Section requesting the demolition of the property. The City will provide a letter indicating receipt of the demolition request and the date of this letter is the official date of receipt of the demolition request for the purposes of Section 27(9) of the Act. The demolition request will be reviewed by the Heritage Markham Committee and its recommendation addressed by Markham Council within 60 days of the receipt letter's date.

Request to Demolish a Designated Property (individual or district)

- For properties individually designated under the Act, the procedures outlined in Section 34 of the Act will be followed.
- For **all** properties located within a heritage conservation district, the procedures outlined in Section 42 of the Act will be followed.
- In either case, a Major Heritage Permit (Demolition) Application must be submitted with the submission requirements as outlined in **By-law 2023-20**. The demolition application must be reviewed by the Heritage Markham Committee and its

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recommendation addressed by Markham Council within 90 days of the date the application is deemed complete and ready to be reviewed.

Request to Demolish Properties in the process of being designated

- For a property subject to a 'Notice of Intention to Designate' approved by Council, Section 30 of the Act applies.
- Sections 33 and 34 of the *Act* also apply to the property as if the designation process were complete.

Heritage Markham reviews all demolition requests

A demolition request will be placed on a meeting agenda of the Heritage Markham Committee for consideration. If the applicant wishes to be notified of the meeting or attend, the Heritage Section should be contacted.

Council consideration of demolition requests

- Before demolishing or removing a building or structure, Markham Council must give its approval as per the requirements of the Act.
- Often staff and Council will attempt to negotiate alternative solutions to retain a heritage resource.
- If no agreement can be reached with the owner, Council can refuse to approve the demolition or removal. In the case of a Listed property, Council can pass a Notice of Intension to Designate to prevent the demolition from proceeding.
- The decision of Council can be appealed to the Ontario Land Tribunal.

Demolition without securing approval

Building or structures altered, removed or demolished without approval of Markham Council will result in prosecution under the Act.

“Heritage Matters...in Markham”
is a series of information brochures
on heritage planning topics.

For further information, contact:
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