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Planning and Urban Design

December 6, 2024

2724265 Ontario Limited
802-625 Cochrane Drive
Markham, Ontario
L3R 9R9

RECEIVED
2024/12/10
(YYYY/MM/DD)
Ontario Heritage Trust

**RE: INTENTION TO DESIGNATE A PROPERTY UNDER PART IV OF THE ONTARIO HERITAGE ACT,
BYER-SHANK HOUSE, 10235 HIGHWAY 48**

To whom it may concern:

This will confirm that at a meeting held on December 4, 2024, Markham City Council adopted By-law 2024-213 to designate the Byer-Shank House pursuant to the *Ontario Heritage Act*.

As per the requirements of the *Ontario Heritage Act*, the following information is to be served on the owner of the property, on any person who previously objected to the intention to designate the property and on the Ontario Heritage Trust:

- i. A copy of the by-law; and
- ii. Notice that any person who objects to the by-law may appeal to the Ontario Land Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication of notice of the by-law, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal.

Note that digital publication of the statutory notice will occur on December 12, 2024.

Please find attached the Designation By-law. Should you have any questions concerning the by-law or its implications, please contact Evan Manning, Senior Heritage Planner, at emanning@markham.ca

Kimberley Kitteringham
City Clerk

C. Ontario Heritage Trust

Attachment: Designation By-law



By-law 2024-213

A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF
CULTURAL HERITAGE VALUE OR INTEREST
“BYER-SHANK HOUSE”
10235 HIGHWAY 48

WHEREAS Pursuant to Part IV, Section 29, of the Ontario Heritage Act (the “Act”), the Council of a Municipality is authorized to enact by-laws to designate a real property, including all the buildings and structures thereon, to be of Cultural Heritage Value or Interest;

WHEREAS the property described in Schedule “A” to this By-law (the “Property”) contains the cultural heritage resource known as the Byer-Shank House;

AND WHEREAS the Council of the Corporation of the City of Markham, by resolution passed on July 17, 2024, has caused to be served on the owners of the lands and premises at:

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L3R 9R9

and upon the Ontario Heritage Trust, notice of intention to designate the Byer-Shank House, 10235 Highway 48, and has caused such notice of intention to be published digitally in a manner consistent with the requirements of the Act;

AND WHEREAS Council has described the Property, set out the Statement of Cultural Heritage Value or Interest for the Property, and described the heritage attributes of the Property in Schedule “B” to this By-law, which forms part of this By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. THAT the following real property, more particularly described in Schedule “A” attached hereto and forming part of this by-law, is hereby designated as being of cultural heritage value or interest:

“Byer-Shank House”
10235 Highway 48
City of Markham
The Regional Municipality of York
2. THAT the City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule “A” attached hereto in the property Land Registry Office.

Read a first, second, and third time and passed December 4, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

SCHEDULE 'A' TO BY-LAW 2024-213

In the City of Markham in the Regional Municipality of York, the property municipally known as 10235 Highway 48, Markham, Ontario, and legally described as follows:

**PART LOT 22, CONCESSION 8, MARKHAM, PART 2, PLAN 65R-14548;
TOWN OF MARKHAM**

PIN: 03062-0022

**PART LOT 22, CONCESSION 8, MARKHAM, PART 6, PLAN 65R-27900;
TOWN OF MARKHAM**

PIN: 03062-0398

**PART LOTS 22 AND 23, CONCESSION 8, MARKHAM, PART 1, PLAN
65R-14548 SAVE AND EXCEPT PARTS 4, 5, 6, 7 AND 8, PLAN 65R-27900 ;
TOWN OF MARKHAM**

PIN: 03062-0399

SCHEDULE 'B' TO BY-LAW 2024-213

STATEMENT OF SIGNIFICANCE

Byer-Shank House

10235 Highway 48
c.1829

The Byer-Shank House is recommended for designation under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest, as described in the following Statement of Significance.

Description of Property

The Byer-Shank House is a two-and-a-half storey frame dwelling located on the east side of Highway 48, north of Major Mackenzie Drive East, in the historic rural community of Milnesville. The house is located adjacent to the west bank of Little Rouge Creek and faces south.

Design Value and Physical Value

The Byer-Shank House is a rare and early example of a Pennsylvania German farmhouse of frame construction with a two-tier front veranda. It is the only one of its kind remaining in Markham with only minimal alterations made to its exterior, likely due to the fact that the property remained in the ownership of the same family for over two centuries, a remarkable continuity of ownership in this area. Its restrained design reflects the simple domestic architecture that the Byer family would have been familiar with in Pennsylvania. It exhibits some elements of the conservative Georgian architectural tradition, but the asymmetry of the primary (south) elevation is clearly indicative of a Germanic influence. The two-tier veranda is a locally rare feature that gives this farmhouse an inn-like character.

Historical Value and Associative Value

The Byer-Shank House has historical value for its association with the Pennsylvania German Byer and Shank families, long-time owners of the property. It also has historical and associative value for representing the following themes in Markham's cultural history:

- The cultural and religious mosaic theme of Pennsylvania German Tunkers being attracted to Markham Township in the early nineteenth century;
- The theme of industry, innovation and economic development for the property's association with the Byer sawmill, in operation as early as 1817;
- The theme of industry, innovation and economic development for the property's association with the Byer Cancer Cure and the Byer Cancer Hospital.

This property is the homestead of the family of Jonas Byer, a prominent early landowner who came to Markham Township from York County, Pennsylvania in 1810-1811 with his wife Elizabeth (Schwartz) Byer and their six children. The family were of the Tunker faith, an Anabaptist Christian sect related to the Mennonites. By 1820, Jonas Byer was the owner of 700 acres in Markham Township including the homestead on the west halves of Lots 22 and 23, Concession 8. In 1829, his son David Byer Sr. built a large frame farmhouse on Lot 22, just west of Little Rouge Creek. A sawmill established on the property at an early date supplied lumber for Markham's plank roads in the mid-nineteenth century. The farm passed to David Byer Jr. after his father's death in 1844. He is best remembered as a healer who developed a treatment for outward growths and tumors known as the Byer Cancer Cure. The Byer Cancer Hospital was established on the property c.1890. A son, Daniel Byer, patented the "cure" and founded the D. Byer & Co. Cancer

Institute in 1895, after his father's death the previous year. Christina Byer, a daughter of David Byer Jr., married Jonas Sauder and relocated the cancer hospital to Mount Joy in 1911 where it operated until the early 1920s. Another daughter, Mary Byer, inherited the farm and married William Shank. The property remained in the family until the 2020s, representing over 200 years of ownership by the same family line.

Contextual Value

The Byer-Shank House has contextual value for being physically, functionally, visually and historically linked to its site where it has stood since 1829, and for its connection to the Byer House and Byer Cemetery at 10451 Highway 48, the Jessie and Emma Byer House at 10388 Highway 48, and the former Byer Brothers Brookside Apiaries at 10379 Highway 48. The Byer-Shank House is one of a number of nineteenth and early twentieth century dwellings in the vicinity of the historic rural community of Milnesville that make legible the agricultural history of the area.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Byer-Shank House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property's design value and physical value as a rare and early example of a Pennsylvania German farmhouse of frame construction with a two-tier front veranda:

- Rectangular plan;
- Wood frame walls;
- Two-and-a-half storey height;
- Medium-pitched gable roof with minimal overhang;
- Single-stack brick chimney;
- Two-tier front veranda supported on square posts under an extension of the main roof;
- Asymmetrical four-bay composition of the primary (south) elevation with a single leaf door and shouldered sidelights;
- Flat-headed rectangular window openings.

Heritage attributes that convey the property's historical value for its association with the Byer and Shank families, and for its connection to the locally-significant theme of cultural and religious diversity in relation to the Pennsylvania German Tunkers who were attracted to Markham in the early nineteenth century, and the themes of industry, innovation and economic development in relation to the Byer sawmill and the Byer Cancer Cure and Byer Cancer Hospital:

- The dwelling is a tangible reminder of Pennsylvania German Byer and Shank families, long-time owners, and of the Byer sawmill, Byer Cancer Cure and Byer Cancer Hospital.

Heritage attributes that convey the property's contextual value because it is physically, functionally, visually or historically linked to its surroundings:

- The location of the building on its original site, near the west bank of Little Rouge Creek, facing south, within the historic rural community of Milnesville.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Modern windows within old window openings;
- Insul-brick siding;
- Barn and other accessory buildings.