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Notice of Passing

Notice of Passing a By-law to designate the following property to be of cultural heritage value and interest pursuant to the provisions of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

Take Notice that the Council of the Corporation of the Town of Newmarket, on February 10, 2025, passed By-law Number 2025-06, under Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 ("the Act"), to designate the following property to be of cultural heritage value and interest:

104 Arden Avenue, Newmarket, Ontario

LT 6 PL 107A NEWMARKET; TOWN OF NEWMARKET

In accordance with Section 29(11) of the Act, any person who objects to the By-law may appeal to the Ontario Land Tribunal (OLT) by providing a notice of appeal to the OLT and the Town Clerk.

This notice of appeal must:

1. Be filed within 30 days of the publication of the notice of passing (publication was on February 18, 2025) and by 4:30 p.m. on **March 20, 2025** (the filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day) to the attention of the Town Clerk, either via the OLT e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting Newmarket as the Approval Authority or by email at clerks@newmarket.ca, or in person or by mail at the Municipal Offices, 395 Mulock Drive, Newmarket, ON, P.O Box 328 STN, L3Y 4X7; and,
2. Set out the objection(s) to the By-law and the reasons in support of the objection(s); and,
3. Be accompanied by the fees charged by the OLT and the Town of Newmarket. The OLT appeal fee of \$1,100 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the OLT or request a fee reduction for an appeal, forms are available from the OLT website at <https://olt.gov.on.ca/>. The Town of Newmarket's fee is \$200.82 and must be paid in person at the Town of Newmarket's Customer Service Department or by phone at 905-895-5193.

The appeal form is available from the Ontario Land Tribunal (OLT) website: <https://olt.gov.on.ca/>.

The last date to file a notice of appeal in relation to this By-law is March 20, 2025.

Additional information, including a full description of the reasons for designation is available upon request from Umar Mahmood, Planner, Committee of Adjustment and Cultural Heritage at 905-953-5300, extension 2458, or at umahmood@newmarket.ca during regular business hours.

Dated at the Town of Newmarket
this 18th day of February 2025

Town Clerk
Town of Newmarket

Corporation of the Town of Newmarket

By-law 2025-06

A By-law to designate the property at 104 Arden Avenue, the Atha M. Gardner House, as being of cultural heritage value or interest pursuant to the provisions of the Ontario Heritage Act.

Whereas pursuant to Section 29, Part IV of the Ontario Heritage Act, the Council of a municipality is authorized to enact By-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest; and,

Whereas authority was granted by Council to designate the property at 104 Arden Avenue as being of cultural heritage value or interest; and,

Whereas the Council of the Corporation of the Town of Newmarket has caused to be served on the owners of the lands and premises, and upon the Ontario Heritage Trust, Notice of Intention to Designate, and has caused such notice of intention to be published on the Town of Newmarket website for a period of 30 days in accordance with the municipality's Notice Policy addressing notice requirements under the Ontario Heritage Act; and,

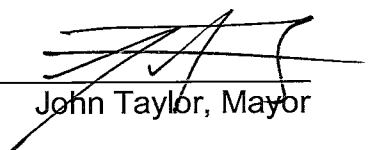
Whereas no notice of objection to the Notice of Intention to Designate was served to the Town Clerk of the Corporation of the Town of Newmarket; and,

Whereas the reasons for designation are set out in Schedule "A" to this By-law;

Therefore the Council of the Corporation of the Town of Newmarket enacts:

1. That the property at 104 Arden Avenue, more particularly described in Schedule "B" to this By-law, is hereby designated as being of cultural heritage value or interest.
2. That Schedule "A" and Schedule "B" is declared to form part of this By-law.
3. That the Town Clerk is authorized to cause a copy of this By-law to be served on the owners of the lands described in Schedule "B" and on the Ontario Heritage Trust and to cause notice of the passing of this By-law to be published on the Town of Newmarket website for a period of 30 days in accordance with the municipality's Notice Policy addressing notice requirements under the Ontario Heritage Act.
4. And that the Municipal Solicitor or designate is authorized to cause a copy of this By-law to be registered against the property described in Schedule "B" to this By-law in the Land Registry Office.

Enacted and passed this 10th day of February, 2025.



John Taylor, Mayor



Lisa Lyons, Town Clerk

Schedule “A” to By-law 2025-06

Statement of Significance Reason for Designation

Atha M. Gardner House
104 Arden Avenue
Newmarket, ON
L3Y 4H6

Reason for Designation

The property at 104 Arden Avenue, also known as the Atha M. Gardner House, is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act, 1990 for its cultural heritage value or interest, and meets Ontario Regulation 9/06, for design/physical value and contextual value.

Description of Property

104 Arden Avenue is located on the west side of Arden Avenue in the Town of Newmarket. The property contains a two-and-a-half storey building constructed between 1910 and 1911.

Statement of Cultural Heritage Value or Interest/Statement of Significance

Physical/Design Value

104 Arden Avenue is a representative example of a building constructed in a front gable Edwardian architectural style. The two-and-a-half storey red brick building follows a rectangular plan topped by a gable roof with a prominent and large front-gable pediment clad with wood shingles showcasing a centred Palladian window and framed by the overhanging eaves which is typical of the Edwardian-front gable design. 104 Arden Avenue has segmentally arched window openings, varying in size, which are all topped by a three header voussoirs and finished with rusticated rough faced stone sills, which is consistent with Edwardian architecture. The asymmetrical but balanced façade has a segmentally arched entrance opening protected by the large one-storey open front porch which spans the façade. Accessed by the south elevation, the porch showcases classical design elements, including an architrave supported by square wood columns with Doric style capitals resting on brick columns with stone caps and wood railing which is topped by a rectangular balcony accessed by a segmentally arched door opening, which are features of the front gable Edwardian style.

Contextual Value

104 Arden Avenue is important in supporting the early 20th century expansion of the historic Village of Newmarket. The lots lines, layout, and built form of the historic Village of Newmarket was well established in the mid-19th century as shown in the commercial core found along Main Street and the presence of residences located along several side streets. The expansion of the historic village in the late 19th and early 20th century resulting from the subdivision of several large land parcels associated with early settlers created an increase of development and saw the creation of several new side streets. The village's expansion naturally extended along the existing streets which often provided direct access the historic commercial core. 104 Arden Street was originally part of a large land holding owned by the Millard family who were early settlers in the area, which was subdivided in the mid 19th century and came into the Wasley family ownership. The development of the Arden Street, through Plan 81 in 1895, set the groundwork for the opening of the streetscape and the

creation of rhythmic lots through Plan 107a in 1910. The presence of buildings along both side of the streetscape were well established by 1929.

Several buildings located along newly created side streets are associated with the same local builders and constructed at the same time. This resulted in several front gable Edwardian designs which create a rhythmical and cohesive 20th century character along Arden Street. Overall, the streetscape contains predominantly two to two-and-a-half storey residences, primarily brick construction, with modest setbacks and include 20th century architectural styles predominately Edwardian. 104 Arden Street supports the continued growth of the historic village into the early 20th century. 104 Arden Street exhibits setback, massing, style, and decorative details consistent with the character of the streetscape and the expanded areas of the historic Village of Newmarket.

Cultural Heritage Attributes

104 Arden Avenue is a representative example of a building constructed in a front gable Edwardian architectural style. The property contains the following heritage attributes that reflects this value:

- The two-and-a-half storey building constructed in the front gable Edwardian architecture style
- Brick construction
- Rectangular plan
- Gable roof with prominent front gable pediment showcasing an ornate Palladian window framed by the overhanging eaves
- Segmentally arched window openings with brick voussoirs and rusticated stone sills
- Asymmetrical but balanced façade
- Primary entrance opening and centered second-storey opening providing access to balcony
- One-storey open front porch with architrave, wood columns on brick piers and balcony
- Primary entrance has segmentally arched opening
- Large segmentally arched window opening on main level
- One-storey open front porch which spans the façade which showcases classical design elements, including an architrave supported by square wood columns with Doric style capitals resting on brick columns with stone caps and wood railing
- Rectangular balcony accessed by a segmentally arche door opening upper level of façade

104 Arden Avenue is important in supporting the early 20th century expansion of the early 20th century expansion of the historic Village of Newmarket. The property contains the following heritage attributes that reflect this value:

- The two-and-a-half storey building constructed in the front gable Edwardian architecture style
- Overall massing, setback, and decorative details
- Location along Arden Avenue

Schedule “B” to By-law 2025-06

LEGAL DESCRIPTION

LT 6 PL 107A NEWMARKET; TOWN OF NEWMARKET

Property Identification Number: 03604-0018 (LT)