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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 2025-45, 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:

61 Prospect Street, Newmarket, Ontario

PT LT 2 PL 89 WHITCHURCH; PT LT 65 PL 125 NEWMARKET AS IN R661534;
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 2025-45

A By-law to designate the property at 61 Prospect Street, the Vernon Cane 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 61 Prospect Street 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 61 Prospect Street, 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 2025-45

Statement of Significance Reason for Designation

The Vernon Cane House
61 Prospect Street
Newmarket, ON
L3Y 3T1

Reason for Designation

The property at 61 Prospect Street, also known as the Vernon Cane 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, historical/associative value and contextual value.

Description of Property

61 Prospect Street is located on the east side of Prospect Street in the Town of Newmarket. The property consists of a two-storey Queen Anne building constructed circa 1920.

Statement of Cultural Heritage Value or Interest/Statement of Significance

Physical/Design Value

61 Prospect Street is a representative example of a building constructed in the Queen Anne architectural style. The two-storey frame building follows an irregular plan and complex roofline with gable roof and intricate jerkinhead roof with overhanging eaves, gable dormers, ornate brick chimney, wide front gable with hip-capped return eaves which are characteristics associated with Queen Anne designs. The prominent two-storey hexagonal tower and one-storey open porch with upper storey balcony supported by freestanding and engaged wood columns on masonry piers create the playful and asymmetrical composition associated with Queen Anne design. The building showcases a variety of sizes of window including rhythmically placed rectangular openings, one-storey canted bay window, paired windows and square windows and the formal rectangular front entrance opening flanked with wide sidelights and upper storey arched porch door openings are also features associated with the Queen Anne style.

Historical/Associative Value

61 Prospect Street is directly associated with the historic Village of Newmarket and patriarch William Cane and his grandson Vernon ‘Eugene’ Cane. The lots lines, layout, and built form of the historic village of Newmarket was well established in the mid-19th century and evident in a well-established commercial core found along Main Street and the large presence of residences located along several side streets. Simultaneously, Prospect Street, located on the east side of the Holland River and part of a community known as Garbutt Hill, developed during the mid-19th century and continuing into the 20th century. Garbutt Hill was the site of several important businesses such as the Stickwood Brickyard, the pump factory, Thomas Gardiner’s foundry, later occupied by the Newmarket Dairy, and the York County Hospital. By 1865, several small bridges and makeshift roads had been constructed across the Holland River and Timothy Street extending the road to Garbutt Hill (Prospect Street) was opened the same year. The development of the commercial core and surrounding residential streetscapes, including the community of Garbutt Hill, in throughout the mid-19th century and early 20th century played a

significant role in the social and economic development and growth of the Village of Newmarket.

61 Prospect Street is associated with members of the Cane family. William Cane purchased the subject land in 1874 and was active in local economic and civic matters. William served on the village council and was elected as Newmarket's first mayor when it reached town status in 1881. At one time, William was one of the community's largest employers as owner of the Cane and Sons factory which produced lumber for construction, along with other uses. Verne Eugene Cane began his career working with his father, Joseph Eugene Cane, at the lumber factory, but eventually became an automobile buyer under the supervision of his uncle, Ken Robertson before he opened his own dealership. At the time of 61 Prospect Street's construction in 1920, Vernon Eugene Cane was considered a prominent local businessman and owned an automobile.

Contextual Value

61 Prospect Street is important in supporting the 19th century and early 20th century character of the historic Village of Newmarket. Several residential side streets, including Prospect Street, were established in the historic village core, near the commercial Main Street. Located off or parallel to Main Street, the buildings on Prospect Street, are comprised of predominantly one to two-and-a-half storey residences, primarily brick construction most using bricks from Stickwood's brickyard, with modest setbacks and include a range of architectural styles from that time period. 61 Prospect Street exhibits setback, massing, style, decorative details consistent with the historic village character.

Cultural Heritage Attributes

61 Prospect Street is a representative example of a building constructed in the Queen Anne architectural style. The property contains the following heritage attributes that reflect this value:

- Two-storey Queen Anne Building
- Irregular plan
- Complex roofline with gable roof and intricate jerkinhead roof with overhanging eaves, gable dormers, ornate brick chimney, wide front gable with hip-capped return eaves
- Prominent two-storey hexagonal tower
- One-storey open porch with upper storey balcony supported by freestanding and engaged wood columns on masonry piers
- Variety of sizes of window including rhythmically placed rectangular openings, one-storey canted bay window, paired windows and square windows
- The formal rectangular front entrance opening flanked with wide sidelights and upper storey arched porch door openings

61 Prospect Street is directly associated with the historic Village of Newmarket and patriarch William Cane and his grandson V. 'Eugene' Cane. The property contains the following heritage attributes that reflect this value:

- Two-storey Queen Anne Building
- Overall massing, setback, and decorative details

61 Prospect Street is important in supporting the 19th century and early 20th century character of the historic Village of Newmarket. The property contains the following heritage attributes that reflect this value:

- Two-storey Queen Anne Building
- Overall massing, setback, and decorative details
- Location on Prospect Street

Schedule "B" to By-law 2025-45

LEGAL DESCRIPTION

PT LT 2 PL 89 WHITCHURCH; PT LT 65 PL 125 NEWMARKET AS IN
R661534; NEWMARKET

Property Identification Number: 03610-0046 (LT)