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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 2025-50, 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:

75 Prospect Street, Newmarket, Ontario

PT LT 67 PL 125 NEWMARKET; LT 69 PL 125 NEWMARKET AS IN R372087;
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 2025-50

A By-law to designate the property at 75 Prospect Street, the Eugene 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 75 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,

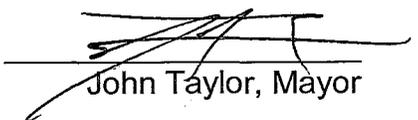
Whereas no notice of objection to the Notice of Intention to Designate was served to the Town Clerk of the Corporation of the Town of Newmarket; and,

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

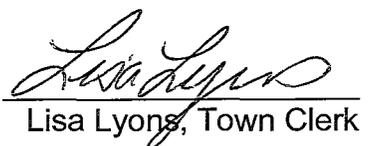
Therefore the Council of the Corporation of the Town of Newmarket enacts:

1. That the property at 75 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 2025-50

Statement of Significance Reason for Designation

The Eugene Cane House
75 Prospect Street
Newmarket, ON
L3Y 3T1

Reason for Designation

The property at 75 Prospect Street, also known as the Eugene 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

75 Prospect Street is located on the east side of Prospect Street at the intersection of Prospect Street and Queen Street. The subject property contains a large two-storey Queen Anne building constructed between 1874 and 1891.

Statement of Cultural Heritage Value or Interest/Statement of Significance

Physical/Design Value

75 Prospect Street is a representative example of the Queen Anne architectural style. The large two-and-a-half storey brick building with protruding bays, recessed entrance and various projecting elements creates an asymmetrical façade and overall irregular plan which is a typical characteristic of Queen Anne design. The complex roof with overhanging eaves showcases elaborately decorative gabled pediments expressed in carved wood scrolls, fish scale siding, dentils, and decorative panelling, and the ornate gable peak with decorative woodwork in the form of bargeboard and finial are indicative of the playful composition typical in Queen Anne design. In addition to the roofline detailing, the subject property includes several surfaces finishes illustrated in the raised brick belt courses and the projecting stepped brick detail near the roofline. The use of rounded, rectangular and segmentally arched window openings with brick voussoirs and the large rectangular window openings located on the two-storey canted wall with heavy rock faced lintels and sills and stain glass window are also expressions of the variation and stylishness of Queen Anne architecture. The one-storey porch on the facade includes a Classically inspired gable pediment position over the single rectangular door opening and has an ornate architrave with dentils which is carried through the porch roofline. Classical detailing is also expressed in the one-storey bay window in the form of engaged columns and elaborate architrave with dentils. Despite the complex roof and irregular composition, the subject property remains beautifully balanced through its decorative details and legible as a Queen Anne design.

Historical/Associative Value

75 Prospect Street is directly associated with the historic Village of Newmarket and the Cane family. 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. 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 the mid 19th century played a significant role in the social and economic development and growth of the Village of Newmarket. It is likely that the brick used in the construction of the residence was from the Stickwood Brickyard, which produced both red and buff/yellow- coloured bricks during this time period. Local historians indicate that almost all of the brick buildings built in Newmarket between 1860 and 1910 were likely constructed with bricks that originated at the Stickwood Brickyard. The use of locally made bricks reflect the concentrated development and prosperity of the historic core.

75 Prospect Street is directly associated with the Cane family. William Cane and his son Joseph "Eugene" Cane were the owners of William Cane & Sons, a prosperous lumber business in the Town of Newmarket. William Cane's business was originally located in Queensville, but after a series of fires he moved the operations to Newmarket in the 1870s, where the factory produced wood products for many homes in the area. When Newmarket received Town status in 1881, William Cane was elected as the Town's first mayor. The residence at 75 Prospect Street was built between 1874 and 1891 by William Cane for his son, Joseph Eugene Cane, who purchased the house from his father in 1897. In addition to his role at William Cane & Sons, Eugene served as the North York License Commissioner in 1893 and 1903. 75 Prospect Street remained in the Cane family until 1942, when Eugene Cane's widow Myrtle Cane sold the house to the Dales family.

Contextual Value

75 Prospect Street is important in supporting the 19th century character of the historic Village of Newmarket. Several residential side streets, including Prospect Street were established in the village core, near the commercial Main Street. Located off or parallel to Main Street, the buildings along the side streets 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. 75 Prospect Street exhibits massing, style, decorative details consistent with the historic village character and is legible as an early building along the streetscape

Cultural Heritage Attributes

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

- The large two-and-a-half storey brick building with protruding bays, recessed entrance and various projecting elements
- Asymmetrical façade and overall irregular plan
- Complex roof with overhanging eaves showcases elaborately decorative gabled pediments expressed in carved wood scrolls, fish scale siding, dentils, and decorative panelling
- Ornate gable peak with decorative woodwork in the form of bargeboard and finial
- Raised brick belt courses and the projecting stepped brick detail near the roofline
- Large rectangular window openings located on the two-storey canted wall with heavy rock faced lintels and sills and stain glass window

- The one-storey porch on the facade includes a Classically inspired gable pediment position over the single rectangular door opening and has an ornate architrave with dentils
- One-storey bay window and decorative details expressed through engaged columns and elaborate architrave with dentils

75 Prospect Street is directly associated with the historic Village of Newmarket and the Cane family. The property contains the following heritage attributes that reflect this value

- Two-storey Queen Anne building
- Brick construction
- Overall massing, setback, and decorative details

75 Prospect Street is important in supporting the 19th 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 at the corner of Prospect Street and Queen Street

Schedule "B" to By-law 2025-50

LEGAL DESCRIPTION

PT LT 67 PL 125 NEWMARKET; LT 69 PL 125 NEWMARKET AS IN R372087;
NEWMARKET

Property Identification Number: 03610-0048 (LT)