

# **Investigating The Limit Between The Town Of Markham and The Borough of North York**

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(The following article is an indication of the amount of research required to carry out a survey these days — Ed.)

To try and determine the limit between the municipalities of Markham and North York and subsequently to determine the status of Steele's Avenue, a search was made of the Ministry of Natural Resources, Plan and Field Notes Section; the Ministry of Treasury, Economics and Intergovernmental Affairs; Municipal Boundaries Section, the Ontario Legislative Library, the Ontario Archives, The Municipality of Metropolitan Toronto Act, and the Borough of North York, By-law Section, in an effort to uncover pertinent information. Reports by the survey firms of E. W. Petzold, J. D. Barnes and McBain & Hulme on the status of Steeles Avenue and the Municipal limits are included with this report.

The limit between the Town of Markham and the Borough of North York is a question of two entities. One is the municipal, or political division, boundary and the other is the geographic, or surveyed, land division boundary.

After examining the Municipality of Metropolitan Toronto Act and the Municipal Acts it appears that the only definite description was in the Act incorporating the Township of North York in 1922. This was AN ACT TO INCORPORATE A PART OF THE TOWNSHIP OF YORK AS THE TOWNSHIP OF NORTH YORK (12-13 Geo, V, Chapter 140).

The description is as follows: etc. COMMENCING at the north-east angle of the Township of York; THENCE etc. THENCE Northerly and along the said westerly boundary of the Township of York to the northerly limit of the said Township of York; THENCE Easterly along the northerly limit of said Township of York to the place of beginning etc.

It is our opinion that this description indicates that the political and geographic limits between the municipalities are one and the same.

## **Inquiry Made**

An inquiry was made of the Ministry of Treasury, Economics and Intergovernmental Affairs, Municipal Boundaries Section, to see if any application had been

made by the Township of Markham or the Borough of North York under THE MUNICIPAL CORPORATIONS QUIETING ORDERS ACT and THE TERRITORIAL DIVISION ACT to establish the legal boundaries. None had been made.

A study of the survey records in the Ministry of the Environment shows that neither the original Township of York nor the Township of Markham were surveyed in their entirety at one time. Surveys of Township Lots were started in 1793 in the Township of York and were extended as the population of Loyalists increased. I will attempt to show in a chronological order the development of the township boundaries.

1. On June 26th, 1793, Surveyor General Smith wrote a letter to Land Surveyor Augustus Jones "Description of the Township of York (Formerly Toronto) to be surveyed by Messrs. Aiken and Jones".

This survey established the road and lot pattern from Lake Ontario to Eglinton Avenue and served as a base for further surveys.

2. On April 25th, 1794, Surveyor General Smith wrote a letter to Land Surveyor Aiken instructing him to lay out further roads and lots in the Township of York. He was also required to establish the lots and roads for one Concession East and West of Yonge Street from Eglinton Avenue to Lake Simcoe. This established the road between Lots 25 and 26 (Steeles Avenue) from Bathurst Street to Bayview Avenue.

There are no records of file of this survey, but subsequent surveys seem to bear out the fact that the survey had been completed.

3. On September 5, 1794, Surveyor General Smith wrote to Land Surveyor Iredell instructing him to survey Concession two to seven in the Township of Markham. It is very clear that he started from

the Southwest angle of Lot 26 in the first Concession East of Yonge Street being the north side of Steeles Avenue. After laying off 35 lots to the north, he then went to the South East angle of Lot 26 and the front of the 2nd Concession and proceeded to layout Concessions two to seven. There was no mention of any road allowance to the south of these Concessions.

In the copies of Iredell's field notes it is noted on page 9 that he comes "20 chains to a post marked No. 1 standing in the south line of the Township. The south line of the Township is also mentioned on page 13. It would appear from these notes that the south limit of the Township of Markham is the north limit of Steeles Avenue.

4. On November 27, 1795, Surveyor General Smith wrote to Land Surveyor Jones instructing him to complete the survey of the Township of York. His instructions stated that he was to proceed North 16° West from the Easternmost Boundary (Victoria Park Avenue) to intersect the line run by Iredell in 1794, and thence to run South 74° West to the Humber River. Since there was no mention of a road allowance to the south in Iredell's survey, this would indicate that Steeles Avenue lays wholly within the original Township of York.
5. On November 10, 1796, Augustus Jones wrote to Surveyor General Smith stating that he had completed his survey from Humber Mills to Yonge Street. It would appear that the remainder of the Township of York had been surveyed. Unfortunately, there are no plans or field notes on file of this survey.

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6. On January 19, 1799, Augustus Jones wrote to Surveyor General Smith stating that he had examined the line between York and Markham and inspected the work done by Iredell. This would give support to the fact that the line surveyed by Iredell in 1794 was the line between York and Markham.
7. In 1849, an act was passed, 12 Victora Cap 35 so that the Commissioner of Crown Lands may have boundary lines permanently monumented.
8. On April 25, 1850, Gibson and Phillips, Provincial Land Surveyors, under the instructions of Commissioner of Crown Lands, the Honourable James Harry Price marked out the Southern Boundary line of the 1st, 2nd, 3rd and 4th Concessions of the Township of Markham. Although the report is not conclusive as to the Township limit, the heading on several of the field note pages refer to the south line of Markham. It is also interesting to note that

on page 4 reference is made to a boundary line Commissioner's Report, which was lost, ordering half the road allowance between Scarborough and Markham to be taken off each side of the run line in the first survey. This causes a jog of 50 links (33 feet) at Victoria Park and Steeles Avenues which is apparent on the ground.

9. Item #12 is an undated report in Steeles Avenue between the Towns of Vaughan and Markham and the Borough of North York by E. Petzold, O.L.S. His conclusion is that the north limit of Steeles Avenue is the South limit of the Town of Markham.
10. Item #13 is a report dated July 19, 1971 from J. D. Barnes Limited, Surveyors, on the status of Steeles Avenue. Their report is not conclusive but indicates that Iredell ran the southerly limit of the Concessions as the southerly limit of the Township.
11. Item #14 is a report dated July 25th, 1972 from McBain and Hulme, Ontario Land Surveyors to the Department of Consumers Affairs on the Northern Boundary

of the Borough of North York. Their report is not conclusive but they find that the evidence seems to support the fact that Steeles Avenue lies wholly within the Township of York.

In conclusion, it is our opinion that the original road allowance for Steeles Avenues does, in fact, lay wholly with the original Township of York and that the South limit of the Town of Markham is the north limit of Steeles Avenue. This decision is based on facts that (a) Steeles Avenue was established for one concession in 1794, (b) Iredell's survey commenced on the north side of Steeles Avenue and ran East to the seventh Concession in Markham, (c) Iredell stated the line he ran was "South line of the Township", (d) no mention was made in Iredell's survey of a road allowance for Steeles Avenue, (e) in the 1850 survey by Gibson and Phillips a 50 link jog to the north in Scarborough Township was mentioned indicating that Steeles Avenue in York Township was south of Iredell's line.

Three survey firms who have studied this problem have all to some degree indicated that the north limit of Steeles Avenue is the north limit of the Borough of North York.