



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 74.2010

To designate the property on Heritage Road just north of Embleton Road (Page Cemetery) as being of cultural heritage value or interest.

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18 (as amended) authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest;

WHEREAS the Brampton Heritage Board supports the designation of the properties described herein;

WHEREAS a Notice of Intention to Designate has been published and served in accordance with the Act, and there has been no Notice of Objection served on the Clerk;

NOW THEREFORE the Council of the Corporation of the City of Brampton HEREBY ENACTS as follows:

- 1. The property on Heritage Road just north of Embleton Road (Page Cemetery) more particularly described in Schedule "A" is hereby designated as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act.
2. The City Clerk shall cause a copy of this by-law to be registered against the property described in Schedule "A" to this by-law in the proper Land Registry Office.
3. The City Clerk shall cause a copy of this by-law to be served upon the owners of the property on Heritage Road just north of Embleton Road (Page Cemetery) and upon the Ontario Heritage Trust and to cause notice of this by-law to be published to the City's website in accordance with Council's Procedure By-law.
4. The City Clerk shall serve and provide notice of this by-law in accordance with the Act.
5. The short statement of the reason for the designation of the property, including a description of the heritage attributes are set out in Schedule "B" to this by-law.
6. The affidavit of Peter Fay attached, as Schedule "C" hereto shall form part of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 10th DAY OF March 2010.

Approved as to form [Signature] Jan 20/10

[Signature] SUSAN FENNELL - MAYOR
[Signature] PETER FAY - CLERK

Approved as to Content: [Signature]

Karl Walsh, Director, Community Design, Parks Planning and Development

SCHEDULE "A" TO BY-LAW *74-2010*

LEGAL DESCRIPTION

Pt. Lot 7, Con 6 WHS Chinguacousy; Brampton

140910052 (R)

SCHEDULE "B" TO BY-LAW 74.200

SHORT STATEMENT OF THE REASON FOR THE DESIGNATION OF PAGE CEMETERY ON HERITAGE ROAD:

The property at Heritage Road just north of Embleton Road (Page Cemetery) is worthy of designation under Part IV of the Ontario Heritage Act for its cultural heritage value. The property meets the criteria for designation prescribed by the Province of Ontario under the three categories of design or physical value, historical value and contextual value.

The subject property is the site of a rural Euro-Canadian cemetery. Page Cemetery is approximately one acre of land and is situated on the southeast corner of the East half of Lot 7 in the 6th Concession West, Chinguacousy. Aaron Page, a settler on Crown Land, purchased the land for this cemetery. There was also a church built to accompany the cemetery. It was not until 1844 that this site was surveyed and a deed registered to the Trustees of Methodist Episcopal Church of Canada. Several early settlers, many from the Huttonville area, are buried in this still rural and remote cemetery including members of the McMurchy and Ostrander families.

The cultural heritage value of Page Cemetery is related to its design or physical value as a representative example of a rural historic Euro-Canadian cemetery. The many early tombstones and grave markers reflect a high degree of craftsmanship as exhibited by ornately carved motifs and symbols.

On the 29th day of November 1844, Aaron Page sold the Cemetery to Benaga Smith, John Lefler Sr., Abraham Scott, and Alexander Calder (the Trustees of the Cemetery). These Trustees of the Methodist Episcopal Church of Canada were chosen and appointed by the members of the said Church, for the sum of ten shillings. Benaga Smith (1789 – 1861) is the only one of the first Trustees buried in the cemetery. There are several others interred in the cemetery, who up to the middle of the 1880s helped build log and frame houses, pulled stumps, built fences, made roads, and helped build a church to serve the community that later became Huttonville. Picket fences, marble posts, iron rails, fancy chains and other decorative ornamentation characterized some of the lots in Page Cemetery.

The book "From 'Wolf's Den' to Huttonville and the Pioneers Who Made it Possible" states that in 1896 a grave cost fifty cents, a full lot cost three dollars, and digging a grave cost one dollar. Throughout the cemetery's history, many persons were appointed to maintain it. In 1923, Mr. George Fendley was charged with the responsibility of maintaining the cemetery. In the subsequent years, the cleanliness and maintenance of the cemetery continued to be a challenge for the Trustees. By 1961 the cemetery was so overgrown that drastic measures were taken to clean it up. A new fence and posts were erected, the old grass was burned, all the trees were removed, all the excess brush was taken away, all the slab monuments were gathered and piled for the time being and the grounds were leveled with a bulldozer. After this undertaking each lot owner was asked for a donation of \$100 in exchange for a spot in the Cemetery with perpetual care. In 1983, the Cemetery was transferred to the City of Brampton and it now looks after the maintenance of the Cemetery.

The property also has historical or associative value as it reflects the history of Huttonville. It was in 1873 with the opening of the Post Office that 'Wolf's Den' became Huttonville. In 1877, of the many villages, towns and hamlets in Peel, Huttonville was second in size only to Brampton. While the Ostrander's were the first pioneer family in this area, it was a later-arriving family, the Hutton's, whose name the community carries today.

This cemetery is also illustrative of broad patterns of social history, because the engravings on the grave markers act as a testament to the experiences of early settlers and their faith. The property, and the burials it contains, also holds significant spiritual importance as the 'final resting place' of several 19th century citizens of Brampton, including some of its earliest Euro-Canadian settlers.

The cemetery also has contextual value. The landscaping elements of the cemetery are an important feature of this cemetery. Mature shade trees are located on the site and a thick hedgerow of mature conifers borders the south edge of the property. The site is also distinguished by grass swales and the absence of a concrete curb and gutter system. This well-preserved cemetery still retains its rural character. The settings and landscaping elements form an interesting green space with several early plantings.

DESCRIPTION OF THE HERITAGE ATTRIBUTES OF THE PROPERTY:

Unless otherwise indicated, the reason for designation applies generally to all gravestones, monuments, fencing, trees, shrubs, hedgerows, other vegetation and the grounds and vistas generally.

To ensure that the cultural heritage value of this property is conserved, certain heritage attributes that contribute to its value have been identified specifically and they include:

- Representative example of a rural historic Euro-Canadian Cemetery;
- All tombstones and grave markers
- Spiritual value as the burial site of a number of 19th century Euro-Canadians, many from the Huttonville area including those of the McMurchy and Ostrander families;
- Associative value reflecting the history of Huttonville
- All landscaping elements including trees, shrubs and grass swales;
- Rural character and setting of the cemetery;
- Archaeological potential

The cemetery fronts Heritage Road and is approximately one acre. The landscaping elements include: large coniferous trees flanking the southern portion of the cemetery, large shade trees can be found in close proximity to the Cemetery boundaries, grass swales, a chain link fence, and other rural landscaping elements.

SCHEDULE "C" TO BY-LAW 74-2010

AFFIDAVIT OF PETER FAY

I, **PETER FAY**, of the City of Mississauga in the Region of Peel, **MAKE OATH AND SAY:**

1. I am the Clerk for the Corporation of the City of Brampton and as such I have knowledge of the facts herein contained.
2. The public notice of intention to designate Page Cemetery (on Heritage Road just north of Embleton Road) was served on the owner of the property and was advertised, in the form attached as Exhibit A to this my affidavit, on the City's website in accordance with Council's Procedure By-law.
3. The by-law to designate the Page Cemetery (on Heritage Road just north of Embleton Road) came before City Council at a Council meeting on *March 10,* 2010 and was approved.
4. A copy of the by-law, including a short statement of the reason for the designation has been served upon the owner of the property and the Ontario Heritage Trust and notice of such by-law was published on the City of Brampton website on *November 19, 2009.*

SWORN before me at the City)
of Brampton, in the Region)
of Peel, this *29th*)
day of *March, 2010*)



Earl Evans
A Commissioner for Taking Affidavits, etc.

EARL EVANS, Deputy City Clerk
The Corporation of The City of Brampton
2 Wellington Street West
Brampton, Ontario L6Y 4R2
A Commissioner, etc.,
in the Regional Municipality of Peel