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THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 69-2009

To designate the property at the rear of Peel Manor at 525 Main Street North (Eventide 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 at the rear of Peel Manor at 525 Main Street North (Eventide 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 at the rear of Peel Manor at 525 Main Street North (Eventide Cemetery) and upon the Ontario Heritage Trust and to cause notice of this by-law to be published in a newspaper having general circulation in the City of Brampton as required by the *Ontario Heritage Act*.
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 16th DAY OF March 2009.

Approved as
to form

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Feb 12/09

SUSAN FENNELL - MAYOR

PETER FAY - CLERK

Approved as to Content

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

SCHEDULE "A" TO BY-LAW 69.2009

LEGAL DESCRIPTION

PT. LOT 9, CONC.1 WEST OF HURONTARIO ST.,
PARTS 1, 2 & 3 ON PLAN 43R – 18116; BRAMPTON

141160131 (LT)

SCHEDULE "B" TO BY-LAW 69-2009

SHORT STATEMENT OF THE REASON FOR THE DESIGNATION OF THE EVENTIDE CEMETERY LOCATED BEHIND PEEL MANOR AT 525 MAIN STREET NORTH:

The Eventide Cemetery (Peel Manor) is worthy of designation under Part IV of the Ontario Heritage Act for its cultural heritage value or interest. 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. The "House of Industry and Refuge" (demolished in 1955 and later replaced by Peel Manor) was established about 1898 to provide "more suitable accommodation for the destitute of our County than that now supplied in the County Jail." Eventide Cemetery served the House of Refuge.

There are approximately 109 marked burials all embedded in the sod, arranged in a series of uniform horizontal rows. The first marked date of death is 1931. Unmarked burials may also be present. For example, the first 'inmate' to die at the House of Refuge (John Loudan) was in 1898. Presumably this gentleman was buried at this site.

The Eventide Cemetery arose out of the need to create a home for the needy in Peel County. Excerpts from the April 13, 1887 Conservator are as follows:

Now we will assume that on one point we are all agreed – that we have poor and needy ones amongst us, and that to a certain extend at least, we are morally bound to succor such; and do we not, as a rule, judge the nation's morality in proportion to their advancement along those lines of Christian charity and brotherly kindness, and while admitting the principle of economy there are higher and nobler motives which should govern our lives and actions. Now, let us not be misunderstood, Peel has not neglected her poor; but has not the time come when we should more systematically and economically care for them.

While there was significant dialogue surrounding the creation of House of Refuge the process was lengthy and complex. Council passed a by-law to acquire a suitable site for erecting the house and chose the north half of Lot 9, 1st Concession West, Chinguacousy to do so. The passing of the by-law was the most protracted in the history of the county, however in November of 1897 the bylaw was passed. This bylaw, which called for the erection of a house of refuge, also stipulated that "where neither relatives of the deceased nor the municipality where he belongs provide for burial, the caretaker shall procure a cheap coffin and have the remains decently placed therein." The burials took place on a field near the house of refuge set apart for cemetery purposes.

The property, and the burials it contains, also holds significant spiritual importance as the 'final resting place' of 19th and 20th century citizens of Peel County.

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A tall wrought iron fence, with an entry arch that reads, Evertide Cemetery acts as the entryway to the Cemetery. It must be noted that the actual entry arch reads 'EVERTIDE'; however, in all other instances this cemetery is referred to as 'EVENTIDE'. Although the reasons for this are unclear one can deduce that perhaps there was an error on behalf of the ironworker who made the fence and that there were no funds to pay for the correction of the error. This reasoning, however, is just speculative.

Of particular note are the rows of tall conifers that define the boundaries of the cemetery. Two rows of spruce trees also mark the roadway leading toward the Cemetery at the rear of Peel Manor.

The heritage attributes of the cemetery are a symbol of the social reform movement in the "Progressive Era" of the late 19th Century. It is also a symbol of the lives of those who contributed to the growth and character of this City. The setting and landscaping elements also form an important urban green space in the City of Brampton.

This cemetery is unique from multiple perspectives: (1) socially, it is indicative of the strides made to properly lay to rest the County's poor and ill; (2) from a design perspective all markers are uniform and this is a reflection of the progressive attitudes; and (3) from a landscaping perspective this cemetery is unique because of the trees that lead up to the site and those that surround it. Both the cemetery's purpose and design are of significant heritage value.

DESCRIPTION OF THE HERITAGE ATTRIBUTES OF THE PROPERTY:

Unless otherwise indicated, the reason for designation apply generally to all exterior elevations, facades, foundation, roof and roof trim, all doors, windows, other structural openings and associated trim, all architectural detailing, construction materials of wood, stone, brick, plaster parging, metal and glazing and related building techniques, fencing, all 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:

Design / Physical Value:

- 109 marked and unmarked burials are believed to be at this site
- The grave markers are arranged in uniform horizontal rows
- A tall wrought iron fence, with an entry arch the reads, 'Evertide' Cemetery forms the entry way to the cemetery

Historical / Associative Value:

- Site of a rural Euro-Canadian Cemetery
- Eventide Cemetery served the House of Refuge, later replaced by the Peel Manor
- The attributes of the cemetery are a symbol of the social reform movement in the "Progressive Era" of the late 19th Century
- Spiritual value as the final resting place of 19th and 20th century citizens of Peel County

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Contextual Value:

- Row of tall conifers define the boundaries of the cemetery
- Two rows of spruce trees also mark the roadway leading toward the Cemetery

GENERAL PROPERTY DESCRIPTION:

The cemetery is located behind Peel Manor and it has a rectangular shape. The frontage is 132 feet. The site is enclosed with a tall wrought iron fence and is surrounded by mature trees that define the cemetery and the roadway that once led up to it. The subject property is generally flat in nature.

To the east of the cemetery is Peel Manor and the remainder of the cemetery is surrounded by Gatesgill Park, open space, and a residential subdivision.

SCHEDULE "C" TO BY-LAW 69-2009

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 Eventide Cemetery (at 525 Main Street North) was served on the owner of the property and was advertised, in the form attached as Exhibit A to this my affidavit, in the Brampton Guardian, a newspaper having general circulation in the City of Brampton, on Wednesday, November 12 2008.
4. The by-law to designate the Eventide Cemetery (at 525 Main Street North) came before City Council at a Council meeting on *March 11,* 2009 and was approved.
5. 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 in the Brampton Guardian on _____ 2009.

SWORN before me at the City)
of Brampton, in the Region)
of Peel, this)
day of ,)

A Commissioner for Taking Affidavits, etc.