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THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 11-2009

To designate the property at the northwest corner of Wanless Drive and Hurontario Street (Bertram's Mount Zion 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 northwest corner of Wanless Drive and Hurontario Street (Bertram's Mount Zion 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 northwest corner of Wanless Drive and Hurontario Street (Bertram's Mount Zion 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 11th DAY OF March 2009.

Approved as
to form

JK

Feb 12/09

Susan Fennell
SUSAN FENNELL - MAYOR

Peter Fay
PETER FAY - CLERK

Approved as to Content:

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

SCHEDULE "A" TO BY-LAW *71-2009*

LEGAL DESCRIPTION

PT. LOT 16, CON 1 WHS, DESIGNATED AS PTS. 1 & 2
ON 43R-21805; BRAMPTON

142511023 (LT)

SCHEDULE "B" TO BY-LAW 11-2009

SHORT STATEMENT OF THE REASON FOR THE DESIGNATION OF BERTRAM'S MOUNT ZION CEMETERY LOCATED AT THE NORTHWEST CORNER OF WANLESS DRIVE AND HURONTARIO STREET:

The Bertram's 'Old Zion' Cemetery on Wanless Drive 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 historic Euro-Canadian cemetery. Bertram's Old Zion has several early tombstones and many 'pioneer' settlers are buried in this cemetery.

The site was established as a cemetery in 1846 when the land was acquired for the "sum of one barley corn to be paid on the 17th day of December yearly if demanded" by the trustees for the cemetery. The property was established for a "Common School Meeting House and burial grounds". The indenture of this lease was witnessed by John Woodhall and John Simpson and was to be registered on March 12, 1846 by John Watson.

According to the 1851 census the Common School and Meeting Houser were one and the same. The structure was used as a place of worship for different evangelical bodies. Previously this cemetery was simply referred to as Old Zion Cemetery but in later years is has been referred to as 'Bertram's'. Although a substantial reason for the renaming does not exist, the change can be associated with the fact that the Bertram family owned Lot 16 for about 50 years – from after the First World War until the mid-1960s. It is believed that "they were scarcely aware of the little cemetery on the corner".

Interred at Bertram's Old Zion Cemetery are some of the members of the Watson family who farmed on Lot 16 for several generations. Caleb Groat and his wife Lydia are buried in this Cemetery. Caleb was a soldier, wounded in the Battle of Lundy's Lane in the War of 1812. The last burial occurred in 1894 and was for Benjamin Booth, an Irishman, who died at the age of 100. The cemetery does not contain many gravestones – only a few remain upright – those for Jean Nixon and the Booths. There also exist gaps with respect to the dates of burials, but this is likely associated with the fact that "three decades after Confederation were an era of increasing hard times, with only brief, intermittent period of real prosperity." Accordingly. It can be assumed that the visible tombstones represent only a percentage of the actual burials that occurred in this site.

The cultural heritage value of Bertram's Old Zion Cemetery is related to its design or physical value as a representative example of a rural historic Euro-Canadian cemetery. The Cemetery holds several early, hand carved tombstones containing well-executed and beautiful motifs and symbols. The markers are of slab and block styles, and are made of marble or limestone. Some are upright but most are embedded in the ground.

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.

BL 71-2004

The property also has historical or associative value as it reflects the history of Snelgrove. The cemetery represents one remaining vestige of the former Hamlet of Snelgrove. In 1838 John Snell, a native of Devonshire, England, was granted 100 acres in Chinguacousy Township near Hurontario Street. However, Snelgrove was first known as Edmonton. Early settlers called it Edmonton after a place in London, England and this name was for the post office when it first opened in 1851. In the 1877 Atlas of Peel County, Edmonton is described as a lively village with a population of about 200. In 1877 the village included five large churches, a brick schoolhouse, Temperance and Orange Halls, a Post Office, two stores, a carriage factory, blacksmith shop, and two hotels amongst other amenities. Due to Edmonton in Western Canada confusion began and it was decided in 1895 that a new name should be given to the post office. Due to the fact that there were five Snell families in the area the name of the area was changed to Snelgrove. 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 cemetery also reflects the lives of the early settlers in Peel County, having been established on land on land in central Chinguacousy. The many historical associated found in the cemetery are a symbol of the people who helped shape the character and development of Brampton.

The cultural heritage value of the property is also connected to its contextual value as it helps identify the location of the former hamlet of Snelgrove. This important and well-preserved cemetery is, in fact, the only remaining tangible vestige of the former hamlet, and this is of exceptional historical importance. The landscaping elements of the cemetery are also significant with several, randomly planted mature specimen trees and hedgerows. The foundation of a frame schoolhouse that once stood on the property is visible through the sod in the center of the property. The cemetery site also serves as a reminder to Brampton's past as it sits in sharp juxtaposition with its suburban surroundings, both residential and commercial. The setting and the cemetery's landscaping elements form an interesting urban green space in a part of the City that has and continues to experience large-scale redevelopment.

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:

- Representative example of a rural historic Euro-Canadian Cemetery;
- All tombstones and grave markers

Historical / Associative Value:

BL 71-2009

- Spiritual value as the burial site of an indeterminate number of 19th century Euro-Canadians and other persons;
- Associative value reflecting the history of the former community of Snelgrove;
- Association with Brampton's different evangelical bodies

Contextual Value:

- All landscaping elements including elevation, trees and hedgerows;
- Rural character of site which juxtaposes its immediate surroundings;
- Archaeological potential including all burials and the site of the former school house and place of worship

GENERAL PROPERTY DESCRIPTION:

The cemetery fronts along Wanless Drive and is shaped like a rectangle and comprises 0.49 acres. The property lines are un-fenced and there is no record of the property ever being fenced. The outer edges of the cemetery have been closed to allow for road widening which will introduce concrete curbs to this intersection.

To the north of the cemetery there are residential developments and the south there is a large commercial plaza. To the east and west of the cemetery are newly built and existing residential subdivisions as well as commercial areas.

SCHEDULE "C" TO BY-LAW 11-2009

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 Bertram's Mount Zion Cemetery (at the Northwest corner of Wanless Drive and Hurontario Street) 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 Bertram's Mount Zion Cemetery (at the Northwest corner of Wanless Drive and Hurontario Street) 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.