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# The Municipal Corporation of the Town of Fort Erie

## By-law No. 88-2015

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### Being a By-law to Designate the Ironwood Tree at Ridgeway Battlefield Park as a Heritage Tree and being of Cultural Heritage Value or Interest

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**WHEREAS** Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18, as amended, authorizes the council of a municipality to pass a by-law to designate a property within the municipality to be of cultural heritage value or interest, and

**WHEREAS** the Corporation of the Town of Fort Erie is the registered owner of Ridgeway Battlefield Park wherein the Ironwood Tree to be designated is located, and

**WHEREAS** By-law No. 171-06 was passed by the Municipal Council of the Town of Fort Erie on the 23<sup>rd</sup> day of October, 2006 to adopt the Town of Fort Erie Guidelines for Natural Heritage Designation under the *Ontario Heritage Act*, and

**WHEREAS** at the Council-in-Committee meeting held May 4, 2015, the Municipal Council of the Town of Fort Erie approved the Municipal Heritage Standing Committee's request through Report No. CDS-38-2015 to designate the Ironwood Tree at Ridgeway Battlefield Park as a Heritage Tree under the *Ontario Heritage Act* and that the Ironwood Tree shall receive adequate maintenance and protection, and

**WHEREAS** notice of intention to designate as required under Section 29(3) of the aforesaid *Act* was served on the Ontario Heritage Trust for the property municipally known as 0 Garrison Road (the "property"), and was also published in *The Times*, a newspaper having general circulation in the Town of Fort Erie, on May 14, 2015, and

**WHEREAS** no notice of objection to the proposed designation has been served on the Clerk of the Municipality, and

**WHEREAS** it is deemed desirable to designate the Ironwood Tree at Ridgeway Battlefield Park as a Heritage Tree and being of cultural heritage value or interest for its historical and contextual value, under the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18, as amended;

**NOW THEREFORE** the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. **That** the Ironwood Tree located on the property municipally known as 0 Garrison Road, in the Town of Fort Erie, and legally described as Part of Lot 1, Concession 10, Part of Lot 1, Concession 11, and Part of the Road Allowance between Concessions 10 and 11, Niagara River, Bertie, Town of Fort Erie, being all of PIN 64232-0123 (LT), now in the Town of Fort Erie, is hereby designated as a Heritage Tree and being of cultural heritage value or interest for its historical and contextual value, under the *Ontario Heritage Act*, R.S.O. 1990, Chapter

O.18, as amended, for the reasons set out in the Statement of Cultural Heritage Value or Interest attached as Schedule "A" and forming part of this by-law.

2. That the Ironwood Tree shall receive adequate maintenance and protection and if reasonable measures to maintain and protect the tree cannot keep it alive then the tree may be removed if an arborist determines the tree cannot be saved.
3. That the Clerk shall comply with Section 29(6)(a) of the Act with respect to the giving and publishing of notice of the passage of this by-law, and registration of the by-law against the property in the proper land registry office.
4. That the Clerk of the Town is authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 15<sup>th</sup> day of June, 2015.

  
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Mayor

  
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Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 88-2015 of the said Town. Given under my hand and the seal of the said Corporation, this      day of      , 20      .

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**SCHEDULE "A"**  
**TO BY-LAW NO. 88-2015**

**Description of Property: The Ironwood Tree – Ridgeway Battlefield Park, 0 Garrison Road**

**Statement of Cultural Heritage Value or Interest:**

This old Ironwood Tree is one of the few of its age standing alone in the open on public lands and accessible to the residents of Fort Erie. More importantly, core testing of the tree put its age at Circa 1866 at the time of the Fenian Raids that occurred at Ridgeway Battlefield Park. It stands today as a reminder of the important battle and historical event in Fort Erie.

On June 2, 1866 Fort Erie was invaded by the Fenian Army. These Irish Civil War veterans intended to hold Upper Canada "hostage" and use this position to negotiate Ireland's freedom from Britain.

The subsequent Battle of Ridgeway and battle at the Fort Erie dock, while a tactical victory for the Fenians, ended quickly with the intervention of the United States government.

A consequence of these battles was that residents throughout Upper and Lower Canada realized that they could not rely on Britain for protection, giving support to the growing movement for Confederation. Canada became a country one year later.

The Battle of Ridgeway is the first battle of the modern Canadian Armed Forces; the first casualty of the modern forces was here in Ridgeway; and a catalyst to Confederation happened at Ridgeway Battlefield Park. Some historians call this "The Battle that made Canada – Canada."