



An agency of the Government of Ontario



Un organisme du gouvernement de l'Ontario

This document was retrieved from the Ontario Heritage Act e-Register, which is accessible through the website of the Ontario Heritage Trust at **[www.heritagetrust.on.ca](http://www.heritagetrust.on.ca)**.

---

Ce document est tiré du registre électronique, tenu aux fins de la *Loi sur le patrimoine de l'Ontario*, accessible à partir du site Web de la Fiducie du patrimoine ontarien sur **[www.heritagetrust.on.ca](http://www.heritagetrust.on.ca)**.



January 31, 2024

File 12-04

The City of Oshawa  
50 Centre Street South  
Oshawa, ON L1H 3Z7

**Re: Designation of the Union Cemetery at 760 King Street West, Oshawa, Ontario under Section 29, Part IV of the *Ontario Heritage Act***

I confirm that the Council of The Corporation of the City of Oshawa passed By-law 12-2024 on January 29, 2024 to designate the property municipally known as 760 King Street West, containing the Union Cemetery, specifically:

PIN 16301-0453 (LT) LOTS 6 & 7, PART LOT 415 SHEET 16C PLAN 370 EAST WHITBY,  
S/T EASEMENT OVER PART LOT 4 SHEET 16C PLAN 370

as being of cultural heritage value or interest. Schedule "A" to By-law 12-2024 is a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.

Please find served upon you pursuant to subsection 29(8) of the *Ontario Heritage Act* a copy of By-law 12-2024, including Schedule "A" thereto.

Any person may, on or before the 1st day of March, 2024, send by registered mail or deliver to the City Clerk, notice of appeal setting out their objection to By-Law 12-2024, together with a statement of their reasons in support of their objection and the associated fee charged by the Ontario Land Tribunal. If a notice of appeal is received by the City Clerk, the Council of the City of Oshawa will, within 15 days of receipt, refer the notice of appeal to the Ontario Land Tribunal for a hearing and a decision.

Received

FEB 01 2024

Ontario Heritage Trust

If you require further information or clarification, please contact me at the address shown or by telephone at (905) 436-3311, extension 2697 or by email to [hwhilsmith@oshawa.ca](mailto:hwhilsmith@oshawa.ca).



Harrison Whilsmith, Planner A  
Policy, Planning Services

Attachment

- c. Sam Yoon, City Solicitor  
Ontario Heritage Trust  
10 Adelaide Street West  
Toronto, ON M5C 1J3



**By-law 12-2024**  
**of The Corporation of the City of Oshawa**

Being a by-law to designate the property municipally known as 760 King Street West, specifically PIN 16301-0453 (LT) Lots 6 & 7, Part Lot 415 Sheet 16C Plan 370 East Whitby, S/T Easement Over Part Lot 4 Sheet 16C Plan 370, as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.

Whereas Section 29, Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the "Heritage Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value or interest; and,

Whereas the Corporation of the City of Oshawa is the registered owner of the property municipally known as 760 King Street West in the City of Oshawa, legally described as PIN 16301-0453 (LT) Lots 6 & 7, Part Lot 415 Sheet 16C Plan 370 East Whitby, S/T Easement Over Part Lot 4 Sheet 16C Plan 370 (the "Subject Property"); and,

Whereas on October 30, 2023, pursuant to Report ED-23-196, City Council directed staff to initiate the process to designate the Subject Property under Part IV of the Heritage Act; and,

Whereas the Subject Property contains Union Cemetery at 760 King Street West; and,

Whereas the statement of cultural heritage value or interest of the Subject Property has been described in Schedule "A" affixed to this bylaw; and,

Whereas on the basis of the cultural heritage value or interest outlined in Schedule "A" affixed hereto, Union Cemetery meets the criteria for designation under Part IV of the Heritage Act in accordance with Ontario Regulation 569/22 subsection 1(2), specifically criteria 1, 4, 5, 6, 7, 8, and 9; and,

Whereas on November 6, 2023, the City forwarded to the Ontario Heritage Trust and the registered owner of the Subject Property a Notice of Intention to Designate the Property; and,

Whereas Notice of Intention to Designate the Subject Property was posted on November 6, 2023 on the City of Oshawa website; and,

Whereas the last day for filing a Notice of Objection to the Notice of Intention to Designate the Subject Property was December 6, 2023; and,

Whereas the City did not receive any objections to the designation of the Subject Property within the aforementioned timeframe.

Therefore it is enacted as a by-law of The Corporation of the City of Oshawa as follows:

1. The Subject Property, including its features which are described in Schedule "A" to this By-law, constituting the property municipally known as 760 King Street West, legally described as PIN 16301-0453 (LT) Lots 6 & 7, Part Lot 415 Sheet 16C Plan 370 East Whitby, S/T Easement Over Part Lot 4 Sheet 16C Plan 370 is hereby designated as being of cultural heritage value or interest.
2. In accordance with the Heritage Act, an adequate description, a statement explaining the cultural heritage value or interest, and a description of the heritage attributes of the Subject Property are set out in Schedule "A" to this by-law.
3. Schedule "A" forms an integral part of this by-law.
4. A copy of this by-law shall be registered against the Subject Property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40).
5. The City Clerk is hereby authorized to serve a copy of this by-law on the Ontario Heritage Trust and the registered owner of the Subject Property, and to publish notice of the passing of this by-law.

**Received**

FEB 01 2024

Ontario Heritage Trust

By-law passed this twenty-ninth day of January, 2024.

  
Deputy Mayor

  
City Clerk

**Schedule "A" to By-Law Number 12-2024**

**Passed This Twenty-Ninth Day of January, 2024**

**Designation Statement and Description of Property**

**Location and Description of Property:**

The property municipally known as 760 King Street West, site of Union Cemetery, is located at the northeast corner of King Street West and Thornton Road North. The property occupies a 32-acre generally rectangular plot and has rolling topography.

**Legal Description:**

The property at 760 King Street West to be designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18 is legally described as:

PIN 16301-0453 (LT) Lots 6 & 7, Part Lot 415 Sheet 16C Plan 370 East Whitby, S/T Easement Over Part Lot 4 Sheet 16C Plan 370.

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

Union Cemetery has physical value as a representative example of an early pioneer cemetery and a Garden cemetery design. The original pioneer portion includes 19 acres in the southwest corner and holds the memorials for some of the earliest pioneer families. This undesigned section includes memorials often clustered in familiar groups or sporadically placed. The remainder of the cemetery follows the picturesque movement or "Garden design". The Garden designs, as expressed in Union Cemetery, were organized and intentional created calm and reflective spaces integrating burial gardens, in-ground memorials, upright granite monuments, tranquil walkways, columbaria, mausoleums and memorial landscape features such as benches and vegetation. As a whole, Union Cemetery has design and physical value as an evolved cultural heritage landscape which showcases several representative examples of cemetery design spanning well over a century and a half.

Union Cemetery has historic value as it reflects the early history of the City of Oshawa and holds the memorials of some of Oshawa's earliest pioneer families, some which date back to 1837. Over the cemetery's 186-year history, it has been the final resting place for some of Oshawa's most prominent families and citizens, such as members of the Conant and Pedlar family, Rev. Robert Thornton, R.S. McLaughlin, artists Florence H. McGillivray and Alexandra Luke, along with many others. Union Cemetery is directly associated with Rev. Robert Thornton, the first Presbyterian minister for both Oshawa and Whitby and by extension the Presbyterian community, as Union Cemetery was the site of the first dedicated Presbyterian church in Whitby. In addition, Union Cemetery is associated with the Oshawa Union Cemetery Company, created in 1875 to consolidate land around the existing cemetery in order to expand the cemetery's boundaries. Union Cemetery serves as an expression and example of how local faith-based organizations in the community came together to ensure a final resting place for its citizens.

Union Cemetery has historic or associative value as it contains gravestones which provide information about earlier settlers including family genealogical information and serves as a tangible link to understanding the past.

Union Cemetery has associative value as it reflects the work of Prussian-born landscape architect H.A. Engelhardt, who designed the central section of the cemetery in 1875. Engelhardt was known for expressing the aesthetic associated with the picturesque movement through his cemetery designs and was also responsible for the design of several other cemeteries such as Port Hope's Union Cemetery and Mount Pleasant in Toronto.

Union Cemetery has contextual value as it is easily distinguishable as a cemetery and important in defining the character of the area. The park-like setting, location, size, and street frontage in relation to the encompassing suburban community defines the intersection.

Union Cemetery has been functionally and historically linked to the surroundings for over 180 years. Union Cemetery was originally established as the 19-acre churchyard of Oshawa's first Presbyterian church in 1837, and it expanded to over 30 acres by the 1920s.

Received

FEB 01 2024 3

Union Cemetery is a landmark within the City of Oshawa. It is situated in a prominent location along two major arterial roads. It is a well-known marker in the community as it is the largest cemetery in Oshawa and houses the remains of many citizens.

On the basis of the cultural heritage value or interest outlined above, the property at 760 King Street West meets the criteria for designation under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18, in accordance with Ontario Regulation 569/22 subsection 1(2), specifically criteria 1, 4, 5, 6, 7, 8, and 9.

### **Heritage Attributes:**

The following heritage attributes of Union Cemetery reflect the property's design and physical value as described in the Statement of Cultural Heritage Value or Interest:

- The monuments and grave markers with their variety of materials, design motifs, surviving inscriptions and placement associated with the original 19-acre portion of the cemetery;
- The presence of the office building, limestone mausoleum, columbarias, military cenotaph, and various monuments and markers found throughout the entire cemetery;
- The wrought iron gates marking the cemetery's main entrance;
- The metal fencing and row of mature trees which denote the cemetery boundary;
- The designed circulation patterns which create defined spaces of various shapes and sizes;
- Unobstructed view of the 32-acre cemetery located at the northeast corner of Thornton Road North and King Street West in the City of Oshawa; and,
- The park-like setting including meandering pathways and designed nature features of the site.

The following heritage attributes of Union Cemetery reflect the property's historical and associative value as described in the Statement of Cultural Heritage Value or Interest:

- The monuments and grave markers with their variety of materials, design motifs, surviving inscriptions and placement associated with the original 19-acre portion of the cemetery;
- Unobstructed view of the 32-acre cemetery located at the northeast corner of Thornton Road North and King Street West in the City of Oshawa;

The following heritage attributes of Union Cemetery reflect the property's associative value as described in the Statement of Cultural Heritage Value or Interest:

- The designed circulation patterns which create defined spaces of various shapes and sizes; and,
- The park-like setting including meandering pathways and designed nature features of the site.

The following heritage attributes of Union Cemetery reflect the property's contextual value as described in the Statement of Cultural Heritage Value or Interest:

- Unobstructed view of the 32-acre cemetery located at the corner of Thornton Road in the City of Oshawa;
- The wrought iron gates marking the cemetery's main entrance; and,
- The metal fencing and row of mature trees which denote the cemetery boundary.