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April 11, 2007

RECEIVED  
APR 17 2007  
CONSERVATION REVIEW  
BOARD

Ms. Rita Caldarone  
Secretary, Heritage Policy and  
Program Development  
Heritage & Libraries Branch  
Ministry of Culture  
400 University Avenue, 4th Floor  
Toronto, ON M7A 2R9

Dear Ms. Caldarone:

Re: Designation of The Carl, Misener, Bald Cemetery  
North-West Side of Carl Street/Towpath Road  
Port Robinson West  
Under Ontario Heritage Act - By-law No. 13-2007

Please be advised that Thorold City Council, at its January 23, 2007 meeting, adopted By-Law No. 13-2007 which designates the Carl, Misener, Bald Cemetery, as being of cultural heritage landscape feature pursuant to Part IV, Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18. A Notice of the Passage of the By-Law was published in Niagara This Week on January 19, 2007.

In accordance with Section 28(6)(a)(ii) of the Act, we have enclosed a copy of the registered By-Law being No. SN157283 registered March 29, 2007 for your records.

We trust this is in order.

Yours truly,

Adele Arbour, MCIP, RPP,  
Director of Planning & Building Services

AA:em  
Attach.

cc: J.K. Bice, City Clerk  
[Redacted]

**City of Thorold**

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

[www.thorold.com](http://www.thorold.com)

Tel: 905-227-6613

CERTIFIED A TRUE COPY

THE CORPORATION OF THE CITY OF THOROLD

ON THIS 29<sup>TH</sup> DAY OF JANUARY 2007

BY-LAW NO. 13-2007

Deputy City Clerk

CORPORATION OF THE CITY OF THOROLD

A BY-LAW TO DESIGNATE THE CARL, MISENER, BALD CEMETERY AS A CULTURAL HERITAGE LANDSCAPE FEATURE

WHEREAS:

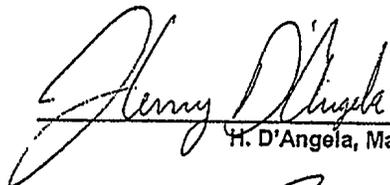
1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 authorizes the Council of a municipality to enact by-laws to designate a property within the municipality including all buildings and structures thereon, to be of cultural heritage value or interest.
2. The heirs of [REDACTED] own the lands.
3. Council has served a Notice of Intention upon the Ontario Heritage Foundation providing Notice of Intention to designate the Carl, Misener, Bald Cemetery on the Lands as being of cultural heritage value or interest and has caused such Notice of Intention to be published in Niagara This Week, a newspaper having general circulation in the municipality on the 15<sup>th</sup> day of September, 2006.
4. No Notice of Objection to the proposed designation has been served upon the City.

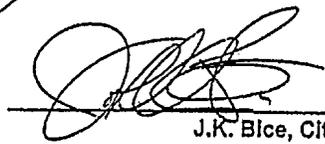
NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD ENACTS AS FOLLOWS:

1. In this by-law and its preambles:
  - (a) "Building" means any premises or structures on the Lands.
  - (b) "Cemetery" means land that is used as a place for the interment of the dead or in which human bodies have been buried and may include a columbarium, mausoleum, and crematorium.
  - (c) "City" means the Corporation of the City of Thorold;
  - (d) "Council" means the Council of the City;
  - (e) "Designated" or "Designation" means the designating of the Carl, Misener, Bald Cemetery on the Lands to be of cultural heritage value or interest pursuant to the relevant provisions in the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 as amended;
  - (f) "Lands" means lands and premises and buildings or improvements thereon, described in Schedule "A" annexed hereto and made part of this by-law;
  - (g) "Notice of Intention" means the Notice set out in Schedule "B" annexed to and made part of this by-law.
2. The Carl, Misener, Bald Cemetery located on the Lands is designated as being a cultural heritage landscape.
3. The Municipal Solicitor is hereby authorized to cause a copy of this by-law including a copy of the reasons for designation, as stated in Schedule "B" to this by-law, to be registered on the title to the lands at the Registry Office for the Registry Division of Niagara South in the City of St. Catharines.
4. The Clerk of the City is hereby authorized to cause a copy of this by-law to be served upon the Owners of the Lands and upon the Ontario Heritage Trust and to cause Notice of the passing of this by-law to be published in a newspaper having general circulation in the City.

- 5: The description in Schedule "A" annexed to and made part of this by-law may if required, be amended by the Clerk of the City after passage of this by-law in order to register the by-law pursuant to Section 3 hereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS  
23<sup>rd</sup> DAY OF January, 2007.

  
H. D'Angela, Mayor

  
J.K. Bice, City Clerk

SCHEDULE "A"

DESCRIPTION

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thorold, formerly the Town of Thorold, in the Regional Municipality of Niagara, formerly the County of Welland, and being:

Lands described as:

PCL 3-1 Sec M8; Lt 3 PL M8 Thorold Confirmed by 59BA189, PL M8  
Is not a Plan of Subdivision within the meaning of the Planning Act; Thorold

## SCHEDULE "B"

### NOTICE OF INTENTION TO DESIGNATE

IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18 AND IN THE MATTER OF THE LANDS AT THE FOLLOWING LOCATION IN THE CITY OF THOROLD, IN THE PROVINCE OF ONTARIO.

TAKE NOTICE that the Council of the Corporation of the City of Thorold Intends to designate the Carl, Misener, Bald Cemetery located on the north-west side of Carl Street/Towpath Road overlooking the Welland Canals Parkway West Side Trail, Part Twp. Lots 204, 213, Port Robinson West, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 2005 Chapter O.18, Section 29.

#### REASONS FOR THE PROPOSED DESIGNATION:

Carl, Misener, Bald Cemetery  
North-West Side of Carl Street/Towpath Road  
Port Robinson West  
Thorold, Ontario

#### STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST

This cemetery has cultural heritage value as the resting place of some of the earliest settlers of the Port Robinson village area in the former Thorold Township. It is closely associated with the first two non-native residents in the Port Robinson area and their families - United Empire Loyalists John Carl, who set aside this land which was part of his crown grant for a burying ground, and Leonard Misener, who is buried here also with his wife Barbara Bender. Several other members of the Carl and Misener families are known to be buried here along with members of the Bald family, descendants of Thomas Bald. John Carl and Leonard Misener both settled in this area in the 1780's and Thomas Bald settled here circa 1794. The cemetery also has cultural associations with the history of the first Welland Canal. Among the 75 graves here are undoubtedly those of victims of the cholera epidemic which raged among canal workers and their families between 1832 -34.

It has been determined that the legal owners of the cemetery were the heirs of John Carl Senior.

#### DESCRIPTION OF HERITAGE ATTRIBUTES

Key attributes of the cemetery that link it with the earliest settlers of Port Robinson and their descendants and the history of the first Welland Canal are:

- approximately one acre of land containing at least 75 unmarked graves of early pioneers who settled the Port Robinson area and those who dug the first Welland Canal, located on a grass covered knoll with several mature trees overlooking the current Welland Canal and Welland Canal Parkway Trail.
- original gravestones of early settlers Barbara Misener, Hannah Misener and Thomas Bald
- replica of the original cemetery sign erected 1999 by descendants of these early families.
- granite monument installed 1999 with history of the cemetery and the Carl and Misener families.

Further information respecting the proposed designation is available in the Planning and Building Services Department during regular office hours, 8:30 a.m. to 4:30 p.m, Monday to Friday, 905-227-6613, 3540 Schmon Parkway, Thorold.

Any person may object to the proposed designation within thirty (30) days after the date of the publication of the Notice of Intention by serving on the Clerk of the Corporation of the City of Thorold a notice of objection setting out the reason for the objection and all relevant facts. The last day for filing objections will be Monday, October 16, 2006. All objections received within the aforementioned time period will be referred to the Heritage Conservation Review Board for a hearing and report.

DATED at the City of Thorold this 15<sup>th</sup> day of September, 2006.

John K. Bice, City Clerk  
Corporation of the City of Thorold  
3540 Schmon Parkway, P.O. Box 1044  
Thorold, Ontario L2V 4A7