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The City of  
Niagara Falls  
Canada



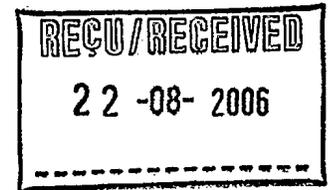
Planning & Development Department

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Doug Darbyson  
Director

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August 18, 2006

**REGISTERED MAIL**

Marjorie Mercer  
Executive Directors Office  
Ontario Heritage Trust  
10 Adelaide Street, East  
Toronto, ON M5C 1J3

Dear Ms. Mercer:

**Re: Notice of Passing of By-law - Cummington Square  
Niagara Falls, Ontario**

The Council of the Corporation of the City of Niagara Falls has passed a by-law which designates the above-noted land and building as property of cultural value and interest under the terms of the Ontario Heritage Act, R.S.O. 1990.

Enclosed is a copy of By-law 2006-142 which includes the reasons for the designation. A public notice advising of the passing of this by-law is being published in the local newspaper in accordance with the requirements of the Ontario Heritage Act.

Should you have any questions or require further information, please contact me.

Yours truly,

Peggy Boyle  
Assistant Planner  
Ext. 4334

PB:gd  
Encl.

c. Dean Iorfida, City Clerk

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CITY OF NIAGARA FALLS

By-law No. 2006 - 142

A by-law to designate the property known as the Cummington Square, Plan 251, Village of Chippawa, except Part 6 on 59R-3037, now City of Niagara Falls, to be of cultural heritage value.

**WHEREAS** the Ontario Heritage Act, R.S.O. 1990, Chap. 0.18, section 29 authorizes the Council of a municipality to enact by-laws to designate property within the municipality to be of cultural heritage value or interest;

**AND WHEREAS** The Corporation of the City of Niagara Falls has caused to be served upon the owner of the property as described in Schedule "A" hereto and upon the Ontario Heritage Trust, notice of intention to designate the property and has caused such notice of intention to designate to be published in a newspaper having general circulation in the municipality on July 30, 2005;

**AND WHEREAS** the reasons for designation are set out as Schedule "B" hereto;

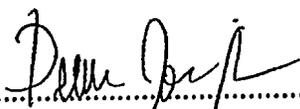
**AND WHEREAS** an appeal was lodged against the designation;

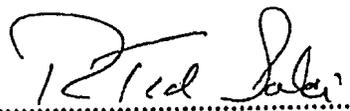
**AND WHEREAS** the appeal was subsequently withdrawn and the hearing dispensed with by the Conservation Review Board,

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

1. The property, more particularly described in Schedule "A" hereto, known as Cummington Square, is hereby designated to be of cultural heritage value and interest.
2. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is hereby authorized to cause a copy of this by-law to be served upon the owner of the property 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 Niagara Falls.

Passed this thirty-first day of July, 2006.

  
.....  
DEAN IORFIDA, CITY CLERK

  
.....  
R. T.(TED) SALCI, MAYOR

First Reading            July 31, 2006  
Second Reading        July 31, 2006  
Third Reading           July 31, 2006

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**SCHEDULE "A" to By-law No. 2006- 142**

Cummington Square, Plan 251, Village of Chippawa, except Part 6 on 59R-3037, City of Niagara Falls.

## SCHEDULE "B" to By-law No. 2006- 142

### REASONS FOR DESIGNATION

#### **Statement of Cultural Heritage Value**

Cummington Square is a public park which has been used continuously as a place of commemorative and social activities by the residents of Chippawa, and surrounding area, from the time it was set aside in the original village plan by Chippawa's founding father, Thomas Cummings and his family.

#### **Historical Attributes**

Cummington Square is part of the original Crown patent of 200 acres granted in 1784 to Thomas Cummings. Thomas Cummings was a founding father of Chippawa and a leading citizen. Thomas Cummings and his son, James, were prominent merchants contributing to the early economic development of Chippawa. Cummings and his descendants dedicated the lands to the municipality as a village square and site for a Town Hall. A Town Hall was never built on the site.

The Square is flanked on all four sides by streets. Centrally located in the Chippawa business district, it served as the hub of activity surrounded on three sides by commercial buildings. Many of these same 19<sup>th</sup> and early 20<sup>th</sup> century buildings still face the Square.

Cummington Square is a public park which has continuously served as the centre for community activities. Citizens have gathered here, year after year, to enjoy music played in the bandstand, attend a memorial event or to participate in one of the many public functions. The Square has been used to honour those who fought in the World War I, World War II and the Korean War. The Square is an urban park providing a passive open space accessible to the general public.

The Square holds significant cultural value because of its association with an early settler and business operator, its connection to early commercial life, its importance as a public place for civic activities and its presence as a park used to recognize the contributions of the community's residents.

#### **Physical Attributes**

Cummington Square is a public park dedicated for the use of all citizens. The shape of Cummington Square is that of a rectangle having had a portion of the Square taken in 1958 to create parking spaces along the east side. The Square is delineated by streets on all four sides. The Square is a level plot of ground covered with grass and crossed by concrete pathways. The light poles and heads are modern; photographs of the original fixtures are available.

The bandstand occupies the location and footprint of the first bandstand erected in the 1920's. The current structure is much altered from the original appearance, such that it is difficult to identify any significant architectural features. It is the location, shape, size, general form and long history as a place for music which are of importance.

The cenotaph/war memorial, including the fence and flag pole, are important elements physically and socially. These elements were altered during an upgrading of the square in the late 1990's. They are maintained by the City in consultation with the Royal Canadian Legion - Chippawa Branch 396, as is a commemorative plaque located on the base of the bandstand. A Parks Canada heritage plaque is located in the Square which outlines the history of the Chippawa.

The plantings, furniture and fixtures are part of a masterplan prepared by the Parks, Recreation and Culture Division. Maintenance, repair and general management customary to the upkeep of the grounds, bandstand, structures and its systems shall continue as a matter of course.