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THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 383-2006

To designate the property of Brampton Pioneer Cemetery, Main Street North 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 of Brampton Pioneer Cemetery, Main Street North 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 of Brampton Pioneer Cemetery, Main Street North 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 Kathryn Zammit 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 13th DAY OF DECEMBER, 2006.

Approved as to form
<i>C. D. D.</i>
07 12 06

*Susan Fennell*  
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 SUSAN FENNELL - MAYOR

*Kathryn Zammit*  
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 KATHRYN ZAMMIT - CLERK

Approved as to Content:  
*Karl Walsh*  
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Karl Walsh, Director, Community Design, Parks Planning and Development

SCHEDULE "A" TO BY-LAW

383-2006

LEGAL DESCRIPTION

BURYING GROUND PL BR12 ; BRAMPTON.

14129-0095 (LT)

**SHORT STATEMENT OF THE REASON FOR THE DESIGNATION OF  
BRAMPTON PIONEER CEMETERY, MAIN STREET NORTH**

Heritage designation of Brampton Pioneer Cemetery, under Part IV of the Ontario Heritage Act, is recommended for architectural, historical and contextual reasons. The property is a historic Euro-Canadian cemetery established about 1825. It is among the oldest cemeteries in Peel Region and is certainly the oldest public cemetery in Brampton. It remained active until the Brampton Cemetery opened in 1863.

In 1938 the Town of Brampton assumed management of the site after years of neglect. At that time all of the visible grave markers were gathered in a pile. Town workers under direction of R.B. Martin, Cemetery Superintendent, arranged the stones in horizontal rows assigned to the appropriate grave sites.

The cemetery has a square shape and comprises 0.5 acres. The frontage is 136 feet, facing Main Street North.

Many very prominent early settlers are buried in this cemetery. Perhaps the most significant is John Elliott (died 1871) who was among the very first settlers. Elliott is credited with naming Brampton. He also had the town lots surveyed in 1834. His grave marker reads: "He was born in Bewcastle, Cumberland, England; in the year 1794 and emigrated to Canada in March 1821." Also buried in this cemetery is: John Scott (1775-1858) who built the first grain mill and ashery in Brampton; Peter Chisholm, who built what is now the Bovaird House Museum; Joseph Wright (died 1866); Joseph Hunter (died 1860); along with members of the Buffy, Lundy and Haggert families.

The Cemetery holds several original, hand carved tombstones and markers displaying well executed and beautiful motifs, symbols and inscriptions. The markers are of the slab and obelisk form and are made of principally of marble and limestone.

The setting and landscaping elements form an interesting and prominent urban green space. The landscaping elements are significant and contain mature shade trees and some evergreens.

The property, and the burials it contains, hold significant spiritual importance as the 'final resting place' of several 19th century citizens of Brampton, including its earliest Euro-Canadian settlers.

The many heritage attributes in the cemetery are a deep and meaningful symbol of the early inhabitants who helped shape the character and development of Brampton.

The short statement of reason for the designation, including a description of the heritage attributes along with all other components of the full Heritage Report: Statement of Reason for Heritage Designation, constitute the "reason for heritage

designation" required under the Ontario Heritage Act. The full Heritage Report is available for viewing in the City Clerk's office at City Hall, during regular business hours.

**DESCRIPTION OF HERITAGE ATTRIBUTES (CHARACTER DEFINING ELEMENTS):**

Unless otherwise indicated, the reason for designation apply generally to all exterior elevations, facades, foundation, markers, construction materials and their related building techniques, all burials, the grounds generally including all landscaping elements, hedgerows, groupings of trees, and shrubs, vistas, fences and all other natural and structural elements found on the subject property. Specific heritage attributes of significance include:

**Exterior Architectural Heritage Attributes:**

Several original, hand carved tombstones and markers displaying well executed and beautiful motifs, symbols and inscriptions. The markers are of the slab and obelisk form and are made of principally of marble and limestone.

**Contextual Heritage Attributes:**

Setting and landscaping elements form an interesting urban green space; the landscaping elements are significance and contain mature shade trees and some evergreens.

**Historical /Cultural Heritage Attributes:**

Many very prominent early settlers are buried in this cemetery; it is a vivid symbol of the early inhabitants who helped shape the character and development of Brampton; is the oldest cemetery in Brampton; the property has significant spiritual importance as the 'final resting place' of several 19th century citizens of Brampton.

AFFIDAVIT OF KATHRYN ZAMMIT

I, KATHRYN ZAMMIT, of the Town of Caledon 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 therein contained.
- 2. The public notice of intention to designate "Brampton Pioneer Cemetery, Main Street North" 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 *November 10* 2006.
- 4. The by-law to designate the "Brampton Pioneer Cemetery, Main Street North" came before City Council at a Council meeting on *December 13* 2006 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 \_\_\_\_\_ 2006.

SWORN before me at the City )  
of Brampton, in the Region )  
of Peel, this )  
day of , )

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A Commissioner for Taking Affidavits, etc.