



The Town of Niagara-On-The-Lake

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Report: MHC-19-018 **Committee Date: May 14, 2019**

Report To: Municipal Heritage Committee
Subject: 325 King Street, Parliament Oak School
Cultural Heritage Evaluation Report & Additional 20th Century History

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Municipal Heritage Committee provide advice to Council based on the Cultural Heritage Evaluation Report submitted by Letourneau Heritage Consulting Inc. (November, 2018) and the Heritage Impact Assessment submitted by Megan Hobson (30 Oct 2018) for the property at 325 King Street (Parliament Oak School).

2. PURPOSE / PROPOSAL

The purpose of this report is to review the reports prepared by Letourneau Heritage Consulting Inc., the Town Historian and Megan Hobson to evaluate the cultural heritage value of the property at 325 King Street.

3. BACKGROUND

3.1 Site Description

Parliament Oak School at 325 King Street occupies the entire, approximately 4 acre, parcel of land bounded by King, Gage, Regent and Centre Streets. The property contains the school building constructed in four phases between the years 1948 and 1976, as well as associated play areas, a stone marker demarcating the location of the parliament oak tree, and a piece of statuary commemorating the Underground Railroad. Some historic uses on the property include the possible location of the first Parliament of Upper Canada in 1793, use as the residence of Josiah B. Plumb and use as a public school from 1948-2015.

3.2 Relevant Past Information

The April 10, 2018 Municipal Heritage Committee (MHC) Minutes, as approved by Council on May 14, 2018, directed Community and Development Services Staff to retain a Heritage Consultant in order to assess the Cultural Heritage Value or

Interest of the property at 325 King Street. The Cultural Heritage Evaluation Report (CHER) prepared for the Town by Letourneau Heritage Consulting Inc. (November, 2018), attached as **Appendix A**, was brought forward to the MHC at the April 9, 2019 meeting. The MHC deferred review of the report until the owner of the property submitted their own report, and until further information on the 20th century history of the property was provided. The Town Historian has now prepared additional information on the 20th century history of the property, attached as **Appendix B**. Additionally, the owner of the subject property has submitted a Heritage Impact Assessment (HIA), as prepared by Megan Hobson (30 Oct 2018), which is attached as **Appendix C**.

4. DISCUSSION / ANALYSIS

4.1 Ontario Heritage Act - Criteria for designation

The subject property is currently listed on the Municipal Register as a non-designated property which provides some interim protection with respect to demolition.

To designate a property, the property must meet the prescribed criteria for designation as set out in the Ontario Heritage Act (OHA). Specifically, Ontario Regulation 9/06 (O. Reg. 9/06) of the Ontario Heritage Act prescribes the following criteria:

- (2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:*
- 1. The property has design value or physical value because it,*
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,*
 - ii. displays a high degree of craftsmanship or artistic merit, or*
 - iii. demonstrates a high degree of technical or scientific achievement.*
 - 2. The property has historical value or associative value because it,*
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,*
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or*
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
 - 3. The property has contextual value because it,*
 - i. is important in defining, maintaining or supporting the character of an area,*
 - ii. is physically, functionally, visually or historically linked to its surroundings, or*
 - iii. is a landmark. O. Reg. 9/06, s. 1 (2).*

Both consultants agree that the property meets at least one criteria for designation. As such, the property could be recommended for Part IV designation under the OHA in order to conserve the cultural heritage value of the property.

Megan Hobson's O.Reg 9/06 assessment indicates that the property meets one criteria for designation under design or physical value.

1. The property has design value or physical value because it,	
<i>ii) displays a high degree of craftsmanship or artistic merit</i>	There are two carved stone relief panels affixed to the school by John B. Shawe that display a high degree of design and craftsmanship.

Although the report by Megan Hobson acknowledges that the property does meet a criteria for designation under O. Reg 9/06, the author states, in section 8 under "Required Mitigation," that the subject property does not meet criteria for designation under the OHA, and does not recommend designation of the property. Instead, the report recommends that the two bas-relief panels by John B. Shawe, which contain cultural heritage value, be salvaged prior to demolition; no further recommendation on their future interpretation/display is suggested. The report also recommends that the Parliament Oak stone marker be conserved either in situ or relocated to another suitable location after consultation with heritage staff and the Niagara Historical Society.

The O. Reg 9/06 assessment prepared by Letourneau Heritage Consulting Inc. as part of the CHER, proposes the property meets five criteria for designation as follows:

1. The property has design value or physical value because it,	
<i>i. is a rare, unique, representative or early example of a style, type, expression, material, or construction method,</i>	The two stone panels located on the façade of the original building are a locally rare example of large commemorative and bas-relief panels.
2. The property has historical value or associative value because it,	
<i>i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,</i>	The property is associated with a local story which holds that Sir John Graves Simcoe led one of the sessions of the first parliament of Upper Canada beneath an oak tree on the property in August 1793. This understanding has informed the naming of the school built at a later date and the community's

	<p>understanding of the property.</p> <p>The property is associated with Josiah Plumb who owned and lived on the property from 1865 until his death in 1888. Josiah Plumb was active in local politics as a representative of the County of Niagara for the Conservative Party. He was elected to the House of Commons in 1874 and was eventually appointed to the Senate in 1883. He was also appointed to Speakership in 1887.</p> <p>The property and building have a direct association with the public education system of Niagara-on-the-Lake. From 1948 to 2015, the property and building served the local community as Parliament Oaks Public School. For many local residents, this was the school they attended and at which they received their early education.</p>
<p>3. The property has contextual value because it,</p>	
<p><i>i. is important in defining, maintaining or supporting the character of an area,</i></p>	<p>The surrounding neighbourhood consists predominantly of one to two storey residential properties. The subject property supports the height of the surrounding neighbourhood.</p>
<p><i>ii. is physically, functionally, visually or historically linked to its surroundings, or</i></p>	<p>The property is historically linked to its surroundings having served the local community as a place of learning for more than 60 years. Many local residents received their education at the school.</p>
<p><i>iii. is a landmark.</i></p>	<p>The property is a landmark having served as a major community centre for more than 60 years.</p>

The proposed Statement of Cultural Heritage Value or Interest (CHVI) included as part of the CHER by Letourneau Heritage Consulting Inc. identifies three heritage attributes on the property:

- The stone marker noting the location of the original oak tree;
- The two stone panels which descriptively and visually depict a session of the first parliament of Upper Canada which was believed to have taken place beneath an oak tree on the property; and,
- The setback and height of the original 1948 section and its relationship to King Street.

Both consultants acknowledge the cultural heritage value of the two carved stone

bas-relief panels, and the stone marker used to mark the location of the original oak tree. As such, any potential future development should conserve these heritage attributes on the property whether or not the property is designated under the OHA. It is preferred that the stone marker for the oak tree be retained in situ. While the actual location of the first parliament cannot be ascertained as Megan Hobson has pointed out in her report, for many years the local community has chosen to commemorate the historic event on the subject property, and even noted the historical oak tree on mapping from 1894 (see page 26 of CHER prepared by Letourneau Heritage Consulting Inc.). Therefore, the most suitable location for the marker would be to remain on the subject property. Setting is important in this case as the carved stone panels and marker for the oak tree are associated with the subject property in several important ways including: local commemoration of the site as the location of the first parliament session along with the commemoration of the original oak tree that once stood on the property, the on-going planting of oak trees to commemorate the original oak tree, and the naming of Parliament Oak Public School.

With respect to the school building itself, the report by Letourneau Heritage Consulting Inc. identifies the setback and height of the original 1948 section of the building and its relationship to King Street as a cultural heritage attribute. In part, the report states that this is due to the fact that the property and building have a direct association with the public education system of Niagara-on-the-Lake and served the local community as a school where many residents received their early education. Additionally, the property is historically linked to its surroundings as it served as a place of local learning for more than 60 years. Finally, the school building supports the height of the surrounding neighbourhood. Additional research provided by the Town Historian indicates that this building was one of the first school buildings built in a modern style with larger classrooms and space for leisure activities after WWII. Neither consultant states that the physical school building is a cultural heritage attribute.

4.2 Further Attributes on the Property Recommended for Conservation

Megan Hobson recognizes a third stone panel with stylized design of an oak tree on the 1975 addition to the school building. The Municipal Heritage Committee may wish to further explore the cultural heritage value of this attribute.

Also of note is the statuary placed on site to commemorate the Underground Railroad. For the 200th Anniversary of Governor Simcoe's Anti-Slavery Edict the property received commemorative statuary from Castellani Art Museum in Lewiston, New York. It is one of seven statues to the Underground Railroad with the remainder placed in locations throughout upper New York State. It is staff's opinion that the statuary could be retained in situ, or, if necessary, be relocated to another suitable location such as Voices of Freedom Park.

It is also noted that a copper time capsule was placed in the cornerstone when the building was first constructed, and it is recommended that, if the building is proposed

for demolition in future, the time capsule be salvaged and donated to the Niagara Historical Society and Museum.

4.3 Conservation of Cultural Heritage Value and Designation under the Ontario Heritage Act

It is clear that the property at 325 King Street contains cultural heritage value. The cultural heritage value of the property should be conserved even if new development is proposed on site. Staff offer several considerations with respect to the conservation of the cultural heritage value of the property.

Designation under the OHA is one of the preferred tools for conservation of cultural heritage value. If the MHC are of the opinion the physical school building should be listed as a cultural heritage attribute then designation under the OHA may be the most appropriate tool for conservation. Otherwise, a Conservation Plan could be considered. For complex properties, a site-specific Conservation Plan may be used to ensure the long-term conservation of specific cultural heritage value and heritage attributes.

If the MHC does not consider the physical school building to be a cultural heritage attribute, it may be worthwhile to explore alternate legislative or planning tools to ensure conservation. Since the cultural heritage attributes that have been identified (the carved stone panels and the stone marker for the tree) could potentially be salvaged and retained even if the school building were demolished, a Conservation Easement Agreement could be implemented. An easement is an agreement that is entered into between the property owner and the municipality and registered on title. A Conservation Easement Agreement typically identifies heritage attributes that are to be retained in perpetuity and may also set out permitted alterations and development.

In either case, it is recommended that there first be dialogue with the property owner concerning future plans for the property prior to considering designation under the OHA. This dialogue would ensure that all tools for conservation are considered and the most appropriate tools are utilized.

5. STRATEGIC PLAN

Not applicable.

6. OPTIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

There are no costs associated with providing comments to Council regarding the reports. With respect to the designation process, there are costs associated including:

- 1) Advertising in accordance with the requirements of the *Ontario Heritage Act*;

and

- 2) Registering a By-law on the title of the property in accordance with Section 29(6)(b) of the Ontario Heritage Act.

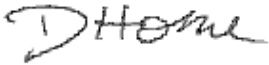
8. COMMUNICATIONS

The Municipal Heritage Committee will provide a recommendation to Council with respect to the reports. Council will consider the minutes of the Municipal Heritage Committee at the following Council meeting.

9. CONCLUSION

The reports prepared by the consultants for the Town and for the property owner both acknowledge that the property at 325 King Street contains cultural heritage value. The report provided by the Town Historian offers additional information on the history of the property. The Municipal Heritage Committee is asked for advice on the reports' findings.

Respectfully submitted,



**Denise Horne, MA, Diploma Heritage Conservation
Planner II**

ATTACHMENTS



Appendix A - CHER Letourneau.pdf Appendix B - Town historian.pdf Appendix C - HIA Hobson.pdf

First Capital of Upper Canada - 1792

REPORT:

CULTURAL HERITAGE EVALUATION REPORT

325 King Street,

Niagara-on-the-Lake, Ontario



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November 2018

Letourneau Heritage Consulting Inc. Project # LHC0118

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1.0 INTRODUCTION

The Town of Niagara-on-the-Lake retained Letourneau Heritage Consulting Inc. (LHC) to perform a Cultural Heritage Evaluation Report (CHER) for 325 King Street (Parliament Oaks Public School), Niagara-on-the-Lake.

The purpose of this CHER is the analysis and evaluation of a property (i.e., built heritage resources, cultural heritage landscapes, and/or archaeological resources) to determine its cultural heritage value or interest. This is completed through research, documentary evidence, and community input, and is intended to provide a basis for the management and conservation of a property. The CHER will consider the individual property as well as the larger context.

1.1 Definitions

Definitions are based on those provided within the Provincial Policy Statement (2014) and *Ontario Heritage Act* (1990), as well as the Niagara-on-the-Lake Official Plan (2017) and the Niagara Region - Consolidated Regional Official Plan (2014) where applicable.

Adjacent Lands – means those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan (PPS, 2014).

Adjacent – means, for the purposes of Cultural Heritage, those properties immediately abutting built heritage resources or a locally identified Cultural Heritage Landscape (Niagara Region - Consolidated Regional Official Plan, 2014).

Alter – means to change in any manner and includes to restore, renovate, repair or disturb, and “alteration” has a corresponding meaning (“transformer”, “transformation”) (Ontario Heritage Act, 1990).

Archaeological Resources – means the remains of any building, structure, activity, place or cultural feature, which, because of the passage of time, is on or below the surface of the land or water, and which has been identified, evaluated and determined to be significant to the understanding of the history of a people or a place. The identification and evaluation of this resource is based upon an archaeological resource assessment (Town of Niagara-on-the-Lake OP, 2017).

Areas of Archaeological Potential – means areas with the likelihood of containing archaeological resources. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The Ontario Heritage Act requires archaeological potential to be confirmed through archaeological fieldwork (PPS, 2014).

Built Heritage Resources – means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property designated under Parts IV or V of the Ontario Heritage Act or included on local, provincial and/or federal registers (PPS, 2014).

Conserve/Conserved – means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments (PPS, 2014).

Cultural Heritage Landscape – means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association (PPS, 2014).

Development – refers to the creation of a new lot, a change in land use, or the construction of a building or structure requiring approval under the Planning Act. It includes the construction of new, or significant expansion of, existing public utilities or infrastructure but does not include works subject to the Drainage Act (Town of Niagara-on-the-Lake OP, 2017).

Heritage attributes (Ontario Heritage Act) – means in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest.

Significant – means, in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, event, or people (PPS, 2014).

MTCS – refers to the Ministry of Tourism, Culture and Sport. Includes previous iterations of the Ministry such as Ministry of Tourism and Culture and Ministry of Culture.

OHA – refers to the Ontario Heritage Act.

SCHVI – refers to a Statement of Cultural Heritage Value or Interest.

2.0 STUDY APPROACH

2.1 Historical Research

Historical research was undertaken to outline the history and development of the subject properties and place them in a broader community context. Research was undertaken at Niagara Museum and Historical Society for textual materials, while online research located sources for ancestry/genealogy (Ancestry.ca); online research also yielded aerial mapping, historical land surveys, and maps such as those from the McGill Digital Map Collections and Google Earth Pro. Secondary research was based on the research files/resources held by Letourneau Heritage Consulting Inc. (e.g. historical atlases, local histories, and architectural reference texts). Sources used in this report are listed as footnotes and in the report's bibliography.

2.2 Site Analysis

In the MTCS's guide *Heritage Property Evaluation, Chapter 3: The Importance of Research and Site Visit* notes that a property should be evaluated at least twice.

A site visit from the public realm was carried out by Ms. Barnes on 3 July 2018. Photographic documentation was taken of exterior.

A second site visit was carried out by Ms. Barnes and Mr. Letourneau on 27 July 2018. The consultants examined the property from the public realm. The site analysis also considered identified and potential cultural heritage resources in the broader area as well as the property within its broader context.

2.3 Legislation and Policy Analysis

The principal documents examined included the *Ontario Heritage Act*, including Regulation 9/06, the Region of Niagara Official Plan (2014) and the Town of Niagara-on-the-Lake Official Plan (2017).

2.4 Evaluation

The findings from the historical research, legislative/policy analysis, and the site analysis were used to conduct an *Ontario Heritage Act* Regulation 9/06 assessment of the properties.

2.5 Report Limitations

The qualifications of the heritage consultants who authored this report are provided at the end of the report. All comments regarding the condition of any buildings on the property relate only to observed materials and structural components documented in photographs and other studies. The findings of this report do not address any structural or condition related issues associated with any buildings on the property and any potential heritage attributes.

With respect to historical research, the purpose of this report is to evaluate the property. The authors are also fully aware that there may be additional historical information. Nevertheless, the consultants believe that the information collected, reviewed and analyzed is sufficient to conduct a defensible evaluation using O. Reg. 9/06 criteria.

This report reflects the professional opinion of the authors and the requirements of their membership in various professional and licensing bodies.

3.0 PROPERTY CONTEXT

3.1 Location

The property known as 325 King Street occupies an entire block of land bounded by Centre Street (southwest), Regent Street (northwest), Gage Street (northeast) and King Street (southeast) (Figure 1). The property is close to Queen Street and the downtown core. It is enclosed by a metal chain link fence. The property is surrounded by residential dwellings, while the Veterans Memorial Park is located to the southwest on the opposite side of King Street.



Figure 1: Map showing location of 325 King Street (outlined in yellow) in relation to the downtown and surrounding area (Niagara Region Navigator, 2018)

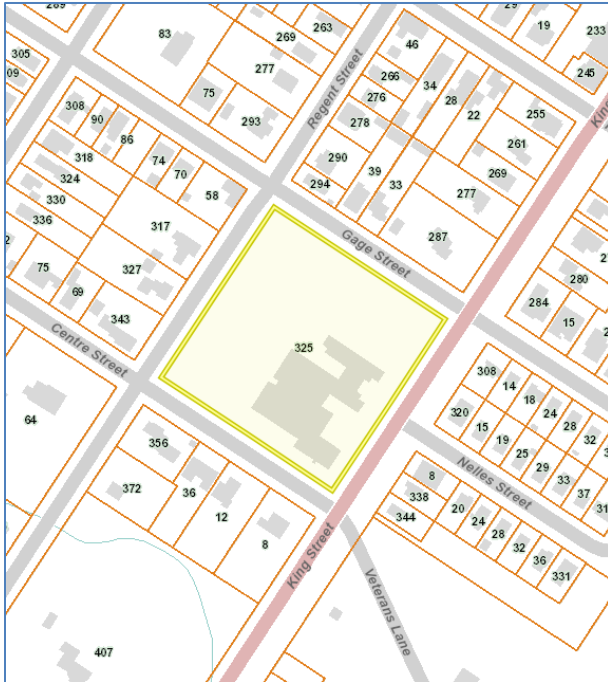


Figure 2: Detailed property map showing 325 King Street outlined in yellow, in addition to surrounding property parcels (Niagara Region Navigator, 2018).

3.2 Description

The property occupies the entire 515 m² parcel of land.¹ The main building fronts onto King Street. To the northeast is a large outdoor recreational space. To the rear of the property (north-west) is a paved portion which was used as a recreational court or playing area. To the southwest is a paved parking lot which is accessible through two openings in the metal fence.

The main building on the property is a highly evolved structure. The original core section is a one storey brick structure, with a flat roofline, and the follows an H-shaped floor plan. There are multiple additions that were added at a later date to the rear (northwest) and side elevation (southwest); combined, the entire structure follows an irregular shaped floor plan (Figure 7). There are some trees and landscaping features found along King Street in close proximity to the façade of the building, as well as a handful of mature trees that reinforce the edges of the property line along Centre Street, Regent Street, and Gage Street. It is unclear if these trees are on the public right of way or on the property.

The surrounding neighbourhood is predominately single-family residential dwellings with heights ranging from one to two-and-a-half storeys. Mature trees are found throughout the surrounding neighbourhood.

The property is currently 'listed' under Section 27 of the OHA, as part of *the Niagara-on-the-Lake Municipal Register of Properties of Cultural Heritage Value and Interest*.

The legal address is Lot 149-150, 191-192, TP Plan 86 Niagara being Part 1, 30R-14504.

¹This information was provided by the Niagara Region Navigator, 2018.

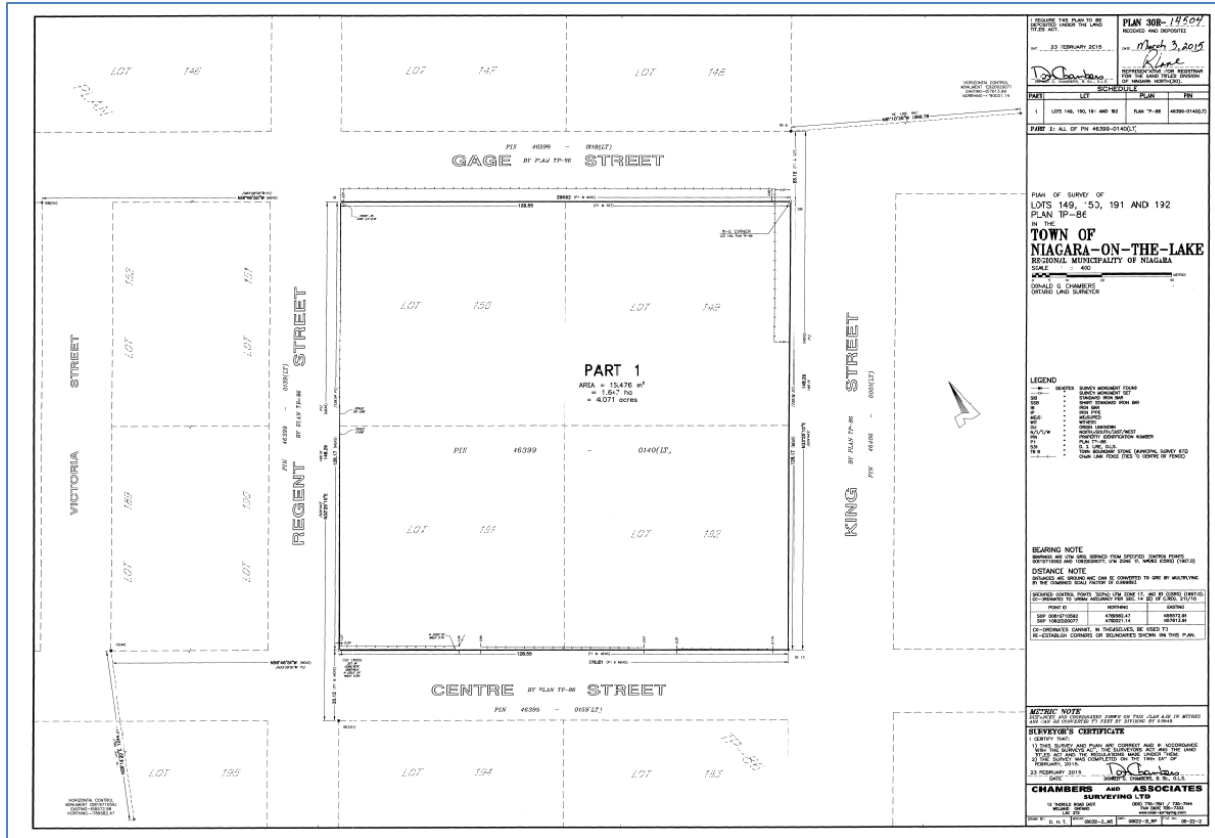


Figure 3: Site plan showing lots 149, 150, 191 and 192, (Chambers & Associates Surveying Ltd. Reference Plan 30R-14505).

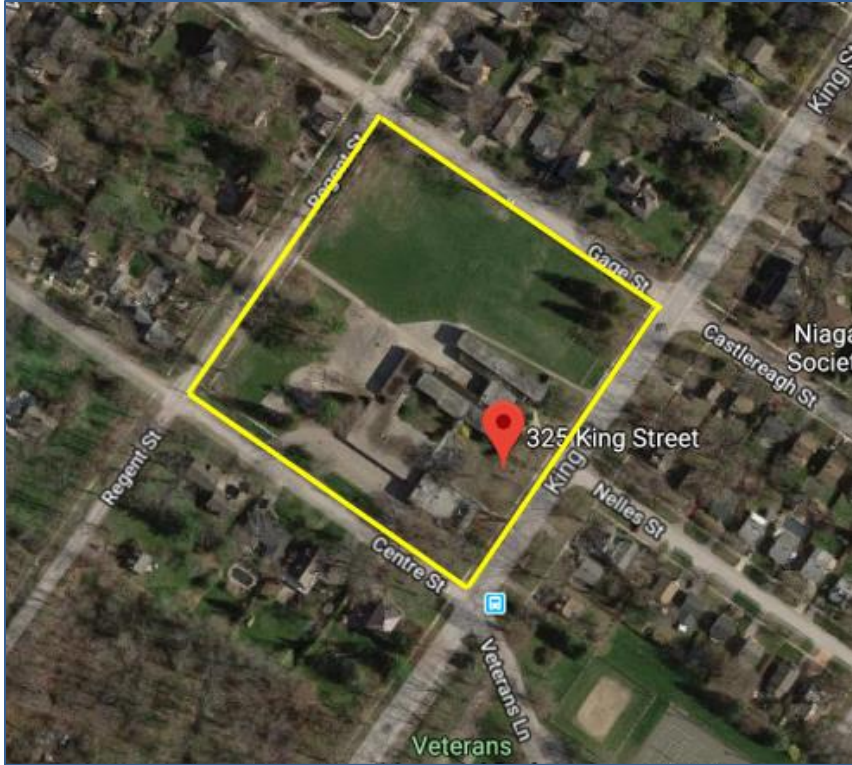


Figure 4: Aerial satellite view of the property (outline in yellow). (Google Maps, 2018).



Figure 5: Part of the front façade (AB, 2018).



Figure 6: North-east elevation showing part of the front entrance, open fields, and metal fencing (AB, 2018).

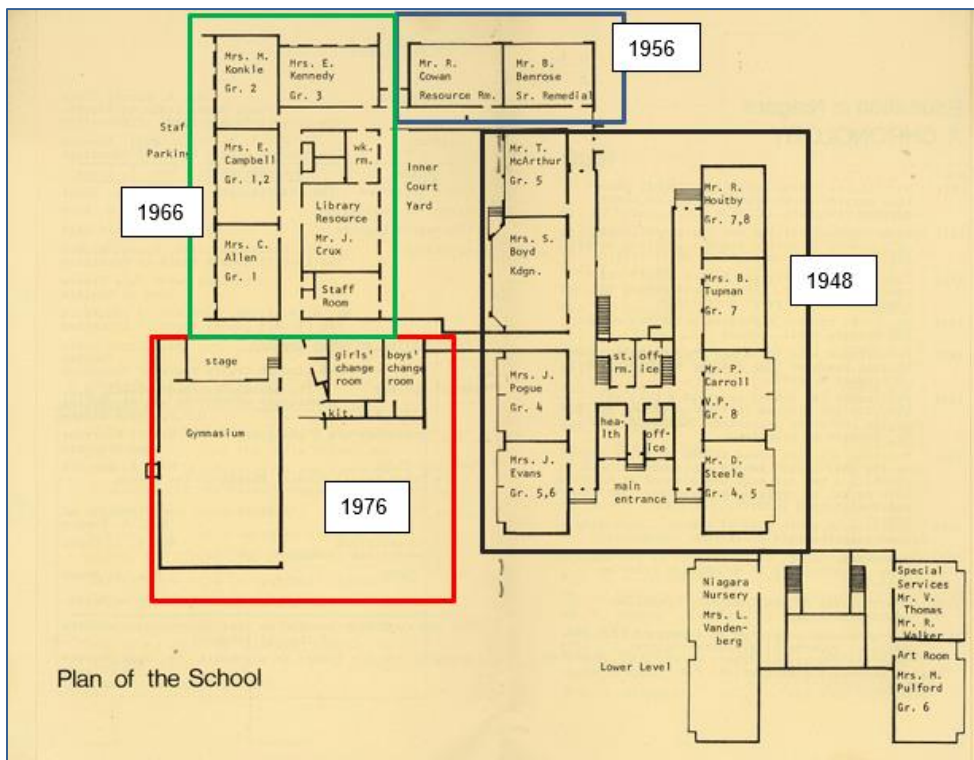


Figure 7: Floor plan for the school. Coloured lines have been added by the author to outline the year the addition was completed (Adapted from The Lincoln Board of Education, 1976).



Figure 8: Aerial of 325 King Street. The red star indicated the location of the stone marker noting the location of the original oak tree. (Google Map Pro, 2018).

4.0 LEGISLATION AND POLICY

In Ontario, cultural heritage is considered a matter of provincial interest and cultural heritage resources are managed under Provincial legislation, policy, regulations and guidelines. For example, while the OHA directly addresses cultural heritage, including the management of provincial properties, the *Planning Act* also addresses cultural heritage as an area of provincial interest through the Provincial Policy Statement (PPS) 2014. Other provincial legislation deals with cultural heritage indirectly or in specific cases. *The Environmental Assessment Act* and *Environmental Protection Act* use a definition of “environment” that includes cultural heritage resources, and *The Funeral, Burial and Cremation Services Act* addresses historic cemeteries and processes for identifying graves that may be prehistoric or historic. These various acts and policies that fall under these acts indicate broad support for the protection of cultural heritage by the Province. They also provide the framework that must be considered for any recommendations. What follows is an analysis of the applicable legislation and policy regarding cultural heritage.

4.1 Planning Act

The *Planning Act* is the primary document for municipal and provincial land use planning in Ontario. This Act sets the context for provincial interest in heritage. It states under Part I (2, d):

The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as, the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.²

Details about provincial interest as it relates to land use planning and development in the province are outlined in the *Provincial Policy Statement* which is used under the authority of Part 1 (3).

4.2 Provincial Policy Statement (2014)

The PPS sets the policy foundation for regulating the development and use of land in Ontario. Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the PPS. The document asserts that cultural heritage and archaeological resources provide important environmental, economic and social benefits, and directly addresses cultural heritage in Sections 1.7.1d and 2.6.

Section 1.7 of the PPS, which regards long-term economic prosperity, advocates for cultural heritage as a tool for economic prosperity by “encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes”.

Section 2.6 of the PPS articulates provincial policy regarding cultural heritage and archaeology.

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

² Province of Ontario. 1990. *Planning Act*. Part I (2, d).

- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration have been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
- 2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

The PPS finds cultural heritage equal to all other considerations in relation to planning and development within the Province.

In accordance with Section 3 of the *Planning Act*, a decision of the Council of a municipality, a local board, a planning board, a Minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, “shall be consistent with” this Provincial Policy Statement.

Section 4.7 of the PPS states that official plans are the most important vehicle for implementation of the Provincial Policy Statement. Additionally, it states that official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Significant, in regard to cultural heritage and archaeology, means resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Within this PPS it states that criteria for determining significance for cultural heritage resources are recommended by the Province, but also that municipal approaches that achieve or exceed the same objective may be used in addition. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation (49).

4.3 Ontario Heritage Act

In 2005, revisions to the *Ontario Heritage Act* shifted the legislation and policy framework for heritage conservation in Ontario. Heritage conservation was more clearly identified as a matter of provincial interest and protecting cultural heritage resources became a key consideration in the land-use planning process. In support of the amendments to the *Ontario Heritage Act*, the Province established criteria for determining if a property is worthy of protection as a “designated” heritage property.

As identified by MTCS in its 2006 document, *Designating Heritage Properties*, “careful research and an evaluation of the candidate property must be done before a property can be recommended for designation.”³ This is reiterated in its 2006 publication *Heritage Property Evaluation* in which MTCS states that “individual properties being considered for protection under Part IV, Section 29 of the *Ontario Heritage Act* must undergo a more rigorous evaluation than is required for listing.”⁴ Properties proposed for designation under Part IV, Section 29 of the *Ontario Heritage Act* must

³ MTCS, 2006, p. 8.

⁴ MTCS, 2006, p.20.

meet the requirements of Regulation 9/06. This regulation states that a property can be designated if it meets one of the three following criteria:

- 1) The property has design value or physical value because it,
 - i) is a rare, unique, representative or early example of a style, type, expression, material or construction method;
 - ii) displays a high degree of craftsmanship or artistic merit; or,
 - iii) demonstrates a high degree of technical or scientific achievement.
- 2) The property has historical value or associative value because it,
 - i) has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
 - ii) yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
 - iii) demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- 3) The property has contextual value because it,
 - i) is important in defining, maintaining or supporting the character of an area;
 - ii) is physically, functionally, visually or historically linked to its surroundings; or,
 - iii) is a landmark.

In terms of applying these criteria, past recommendation reports from the Conservation Review Board (CRB) provide some important insights. While the CRB considers each case individually, the CRB's recommendations must be consistent with the *Ontario Heritage Act*. As a result, key issues such as the importance of a comprehensive evaluation system, the importance of contextualizing properties, and municipal obligations to be fair, consistent, and transparent in their designation approach have been considered in the past. These reports demonstrate that, in order to be defensible, a determination to designate must satisfy the following:

- 1) The property needs to be evaluated against Regulation 9/06 of the *Ontario Heritage Act*, and it must be clearly demonstrated that the property meets at least one of the three criteria. As noted, the evaluation criteria and methodological approach employed is of particular interest to the CRB. This was clearly articulated in the recommendation report for *Re The Hamilton Property* (6 July 2006) (CRB), when the Board indicated that:

...the City [should] develop a more rigorous method for the evaluation of properties proposed for designation. Some ranking based on letter or numerical rating could be useful. The reasons for designation should also include a succinct statement explaining the cultural heritage value of the property and a more detailed identification and assessment of the "heritage attributes" of the property as required by the *Ontario Heritage Act*.

This requirement has been carried forward in many subsequent CRB recommendations, including in *Re 6320 Pine Grove Ave* (9 October 2009) CRB0902. In this instance, the City failed to evaluate the property against an adopted template, although it did use a Parks Canada Evaluation Tool.

- 2) The designations need to be contextualized. In *Re St. Jochin Church and L'Annonciation Church* (26 & 27 June 2007) (CRB), the Board highlighted the importance of contextualizing properties being designated. In this instance, the objector argued that there were architecturally better examples in the region. In response to this argument, the Board stated:

The Board agrees that there is an implied methodology within Regulation 9/06 to compare a candidate property to other examples. The purpose is to give some benchmark with which to evaluate the relative merits of the candidate property. However, the Board does not accept that the overall intent is to then select only the best example or a representative sample for protection under section 29 of the Act. As with any comparative methodology, for the results to be valid the sampling must have some commonality of factors and influences, such as within one “community”.

In this instance, the Board recognized that a community may not equate with a municipal boundary by indicating its opinion that,

... the methodology implied in Regulation 9/06 involves sampling for comparative purposes and that Regulation 9/06 in itself does not limit comparison to examples within a municipal boundary. The overlay to the Regulation is the Act, which does restrict the jurisdiction of the municipality to protecting properties within its geographic borders. It is the Board's opinion that, in the case of church properties where the meaning of religious “community” crosses municipal jurisdictions and where it can be demonstrated that there is a commonality of factors and influences, a comparative sampling that includes properties outside of the municipal boundary is valid.

- 3) The agency designating the property needs to undertake due diligence to ensure its processes are consistent with the *Ontario Heritage Act* including that sufficient research was carried out. In terms of general process, municipalities have clear obligations to be fair, consistent, and transparent. The CRB's recommendation report for *Re 185 Beta Street* (19 March 2008) (CRB) reflects this requirement, with its clear statement that:

It is the Board's position that the ability of a municipality to protect a property within its jurisdiction under s.29 of the *Ontario Heritage Act* brings with it the obligation that the reasons given for this protection be as accurate as possible.

This requirement was also confirmed in the CRB's recommendation report in *Re David Dunlop Observatory* (19 May 2009) CRB File 2007-12, which stated:

It has been previously articulated in proceedings before the Board that the municipality has the onus of showing diligence in ensuring that the reasons given to protect a property under the Act are as well researched and accurate as possible. While this is true of any property, adherence to these principles is arguably even more important when dealing with a special property that holds significance that is recognized far beyond the boundaries of the local community.

The report for *Re 185 Beta Street*, above, also indicated that it is not sufficient to rely upon past research when the board stated:

Information from earlier research reports has been carried forward, seemingly without sufficient verification and/or clarification.

There is also a need to ensure the research methodology is sound. This was reflected in the recommendation report for *Re St. Martin's Parish Hall* (5 July 2010) CRB0909. In this instance, the municipality's methodology was found to be lacking. The CRB found:

In the opinion of the Review Board, the documentation presented at the hearing concerning the history of this property lacked a full explanation of the methodology employed to locate and analyze the historical information, which essentially was found through interviews, newspaper articles, photographs, and secondary sources. The Review Board expects books of evidence, through annotations on the documents themselves and through supplementary explanations by relevant witnesses, wherever possible, to include information that will allow members to be assured of the authenticity, completeness, relevance, and context of a document.

The report also stated that in the absence of a municipally adopted evaluative approach, *Ontario Heritage Act* Regulation 9/06 criteria must be applied.

If a property has been determined to meet the criteria of *Ontario Heritage Act* Regulation 9/06, the *Ontario Heritage Act* proscribes the process by which a designation must occur. A flowchart of this designation process has been hereto attached as Appendix A. Ultimately, the final evaluation of cultural heritage value and the decision to protect a property remains in the hands of the municipal council.

4.4 The Growth Plan for the Greater Golden Horseshoe, 2017

The Growth Plan for the Greater Golden Horseshoe, 2017 came into effect on July 1, 2017. It is a long-term Plan intended to manage growth, build complete communities, curb sprawl and protect the natural environment. The intent of the Growth Plan for the Greater Golden Horseshoe is to:

- Support the achievement of complete communities that offer more options for living, working, learning, shopping and playing.
- Reduce traffic gridlock by improving access to a greater range of transportation options.
- Provide housing options to meet the needs of people at any age.
- Revitalize downtowns to become more vibrant and to provide convenient access to an appropriate mix of jobs, local services, public service facilities and a full range of housing.
- Curb sprawl and protect farmland and green spaces.
- Promote long-term economic growth.

In Section 1.2.1 (Guiding Principles), the Growth Plan states that the policies of the Plan are based on key principles. This includes the following:

- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.

Within Section 4.1 Context, the Plan notes that the area covered by the Greater Growth Plan “contains a broad array of important hydrologic and natural heritage features and areas, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and non-renewable resources.” It notes that this also contains important cultural heritage resources. As this Section states:

The GGH also contains important cultural heritage resources that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. Accommodating growth can put pressure on these resources through development and site alteration. It is necessary to plan in a way that protects and maximizes the benefits of these resources that make our communities unique and attractive places to live.

Section 4.2.7 (Cultural Heritage Resources) states:

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.

In the context of this plan, cultural heritage resources are defined as follows:

Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. (Greenbelt Plan)

4.5 Region of Niagara Official Plan (2014)

The Regional Official Plan for Niagara notes that cultural heritage resources as a critical element of the local economy and identity. As noted within Section 2: Growing the Economy:

As a community, Niagara has special qualities, rooted in its rich cultural and historical heritage, its unique mix of natural resources, and in its diversity.

Specific policies can be found in Section 10.C (Creative Places). As this section notes:

The story of Niagara region can be found in thousands of places and spaces that represent its historical and contemporary identity. The Region recognizes these assets are a physical representation of Niagara’s unique characteristics. These places and spaces should be recognized for the critical role they play in creating a sense of place and improving quality of life for residents and visitors.

4.6 Town of Niagara-on-the-Lake Official Plan (2017)

The Town of Niagara-on-the-Lake's Official Plan states in Section 2.6 that the "preservation" of cultural heritage resources is important in order to conserve and strengthen the overall character of Village neighbourhoods and streetscapes, and that policies are meant to ensure that new development will not adversely impact the conservation of natural and cultural heritage features.

Section 18 of the OP, Heritage Conservation, goes on to state that:

Within the Town of Niagara-on-the-Lake, there are areas which have certain unique or distinctive characteristics which cannot be attributed solely to a collection of individual buildings of the same or related periods. These characteristics are difficult to isolate apart from the special air or atmosphere the street exhibits, they are, for the most part, intangible qualities. Nonetheless, these intangibles combine to produce a strong cumulative effect which, together with the distinct and intact legacy of original 19th Century buildings, creates a valuable historic character. (297)

Section 18.2 of the OP provides the goals and objectives for Heritage Conservation, which are provided below for review and reference.

- (1) To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings having architectural and historical merit within the context of the Town of Niagara-on-the-Lake, as well as on all buildings contributing towards the heritage value of the Town of Niagara-on-the-Lake.
- (2) To encourage good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture. To restrict building design that is not compatible with existing structures or unsympathetic alterations to buildings that would detract from the character of a Heritage Resource. Where lands or buildings have been designated pursuant to the Ontario Heritage Act the provisions of that Act regarding buildings and additions shall apply.
- (3) To prevent the demolition, destruction or inappropriate alteration or use of heritage resources.
- (4) To encourage appropriate character and uses adjacent to heritage resources in those areas designated as Heritage Conservation Districts.
- (5) To develop and encourage creative, appropriate and economically viable uses of heritage resources.
- (6) To support and encourage the voluntary designation of historic buildings and structures.
- (7) To recognize the importance of archaeological sites within the municipality that represent the physical remains of a lengthy settlement history and a fragile non-renewable cultural legacy.

5.0 RESEARCH

5.1 History of the Area

5.1.1 *Pre-European Contact*

Paleo-Indian (9500-8000 BC)

The cultural history of southern Ontario began around 11,000 years ago following the retreat of the Wisconsin glacier.⁵ During this archaeological period, known as the Paleo-Indian period (9500-8000 BC), the climate was similar to the present-day sub-arctic and vegetation was dominated by spruce and pine forests. The initial occupants of the province, distinctive in the archaeological record for their stone tool assemblage, were nomadic big-game hunters (i.e., caribou, mastodon and mammoth) living in small groups and travelling over vast areas of land, possibly migrating hundreds of kilometres in a single year.

Archaic (8000-1000 BC)

During the Archaic archaeological period (8000-1000 BC) the occupants of southern Ontario continued their migratory lifestyles, although living in larger groups and transitioning towards a preference for smaller territories of land – possibly remaining within specific watersheds. The stone tool assemblage was refined during this period and grew to include polished or ground stone tool technologies.

Woodland (1000 BC – AD 1650)

The Woodland period in southern Ontario (1000 BC–AD 1650) represents a marked change in subsistence patterns, burial customs and tool technologies, as well as the introduction of pottery making. The Woodland period is sub-divided into the Early Woodland (1000–400 BC), Middle Woodland (400 BC–AD 500) and Late Woodland (AD 500-1650). During the Early and Middle Woodland, communities grew in size and were organized at a band level. Subsistence patterns continued to be focused on foraging and hunting. There is evidence for incipient horticulture in the Middle Woodland as well as the development of long distance trade networks.

Woodland populations transitioned from a foraging subsistence strategy towards a preference for agricultural village-based communities around AD 500–1000. It was during this period that corn (maize) cultivation was introduced into southern Ontario. Princess Point Complex (AD 500–1000) sites provide the earliest evidence of corn cultivation in southern Ontario.

The Late Woodland period is divided into three distinct stages: Early Iroquoian (AD 1000–1300); Middle Iroquoian (AD 1300–1400); and Late Iroquoian (AD 1400–1650). The Late Woodland is generally characterised by an increased reliance on cultivation of domesticated crop plants, such as corn, squash, and beans, and a development of palisaded village sites which included more and larger longhouses. By the 1500s, Iroquoian communities in southern Ontario – and more widely across northeastern North America – were politically organized into tribal confederacies. South of Lake Ontario, the Five Nations Iroquois Confederacy comprised the Mohawk, Oneida, Onondaga, Cayuga, and Seneca, while Iroquoian communities in southern Ontario were generally organized into the Petun, Huron and Neutral Confederacies.

⁵ Chris Ellis and D. Brian Deller, "Paleo-Indians," (1990): 37.

During this period, domesticated plant crops were supplemented by continued foraging for wild food and medicinal plants, as well as hunting, trapping, and fishing. Camp sites from this period are often found in similar locations (if not the same exact location) to temporary or seasonal sites used by earlier, migratory southern Ontario populations.

5.1.2 European Contact⁶

When French explorers and missionaries first arrived in southern Ontario during the first half of the 17th century, they encountered the Huron, Petun and the Attiwandaron/Neutral—the latter name provided by the French because of their neutral stance. The French brought with them diseases for which the indigenous peoples had no immunity, contributing to the collapse of the three southern Ontario Iroquoian confederacies. Also contributing to the collapse and eventual dispersal of the Huron, Petun, and Attiwandaron, was the movement of the Five Nations Iroquoian Confederacy from south of Lake Ontario. Between 1649 and 1655, the Five Nations waged military warfare on the Huron, Petun, and Attiwandaron, pushing them out of their villages and the general area. As the Five Nations moved across a large hunting territory in southern Ontario, they began to threaten communities further from Lake Ontario, specifically the Ojibway (Anishinaabe). The Anishinaabe had occasionally engaged in military conflict with the Five Nations over territories rich in resources and furs, as well as access to fur trade routes; but in the early 1690s, the Ojibway, Odawa and Patawatomí, allied as the Three Fires, initiated a series of offensive attacks on the Five Nations, eventually forcing them back to the south of Lake Ontario. Oral tradition indicates that the Mississauga played an important role in the Anishinaabe attacks against the Iroquois. A large group of Mississauga established themselves in the area between present-day Toronto and Lake Erie around 1695, the descendants of whom are the Mississaugas of the New Credit First Nation.

Artifacts from all major Indigenous communities have been discovered in the area; the Neutrals called the land ‘Onguiaahara’, which has transformed into Niagara.⁷ The transfer of land from Indigenous communities to British subjects began around 1760.

5.1.3 Niagara-on-the-Lake

The first sizable number of settlers arrived in the 1770s and was comprised of Indigenous peoples and United Empire Loyalists, including African Americans.⁸ Military barracks, a hospital and some log houses were built in 1778 by Major John Butler, and by the spring of 1779, a food production project was created to support those settler families just beginning who were only starting to clear land.⁹ By May 1784, there were 46 settler families listed and over 700 acres of land had been cleared.¹⁰

As early as 1783, people of African American decent relocated to Niagara; some settlers came as slaves, and some had earned freedom fighting with the Loyalist.¹¹ In 1793, anti-slavery legislation triggered an influx of refugees predated the Underground Railroad, which became active in the early 19th century. In 1795, two Crown patents were given to African descendants, James and Humphrey Waters, who established the ‘coloured village’.¹²

Niagara-on-the-Lake has deep military roots which played a pivotal role in the way the town developed throughout the early 19th century. The area was originally known as ‘Butlersburg’ in honour of Colonel John Butler, who was the

⁶ Unless otherwise noted, information regarding the Mississaugas in the following section has been taken from Mississaugas of the New Credit First Nation, “The History of the Mississaugas of the New Credit First Nation,” 2015: 5-6.

⁷ The Friends of Fort George National Historical Park Inc. 2005. P. 23

⁸ Ibid. P. 23

⁹ Ibid. p. 23

¹⁰ Ibid. p. 23

¹¹ Ibid. p. 24

¹² Ibid. p. 24

commander of Butler's Rangers (a Corps who served until 1784).¹³ Fort George was built in 1796, after the British army was forced to withdraw from Fort Niagara (USA), and would act as an important military training ground and defense post throughout the 19th and 20th centuries.¹⁴

The settlement achieved official town status in 1781 and was renamed Newark in 1792 by Lieutenant-Governor John Graves Simcoe; in the 1880s the town was renamed Niagara-on-the-Lake to avoid confusion with Niagara Falls.¹⁵ The first legislature of Upper Canada was convened at Niagara-on-the-Lake in 1792.

Given its close proximity to the American border and the town's existing military presence, the area played a central role in the War of 1812. The war resulted in several battles, burned buildings and many fatalities; as American soldiers retreated, they razed and burned the town to the ground.¹⁶ Local residents rebuilt the community and focused the residential quarters in a grid like pattern around what is now Queen Street towards King Street.

By 1846, the Smith's Canadian Gazetteer describes an active town with a diverse array of military, commercial and social activities:

It has been a place of considerable trade. On the east side of the town is a large military reserve. About half a mile up the river are the ruins of Fort George, where the remains of General Brock were originally interred; they were removed. A new town-hall and court-house are intended to be erected by the town. There is a fire brigade with two engines and a hook and ladder company. Churches and chapels total five. Two newspapers are published weekly Steamboats run daily, as long as the weather will allow of it, from Toronto The Niagara Harbour and Dock Company were incorporated in the year 1830 the vessels turned out by the Company [include] the steamboat "London," which commenced running in the spring of 1845, the fastest boat on the upper lakes... The Company usually employ about 150 hands; and, when particularly busy, have employed as many as 350. There is also on the premises a marine railway, large enough for hauling up vessels of the first class. Post Office, post every day. Professions and Trades.—Three physicians and surgeons, nine lawyers, twelve stores, taverns, two chemists and druggists, three booksellers and stationers, two saddlers, four wagon makers, two watchmakers, two tallow-chandlers, marble works, two printers, two cabinet makers, one hatter, four bakers, two livery stables, two tinsmiths, three blacksmiths, six tailors, seven shoemakers, one tobacconist, one bank agency, large quantities of apples, peaches, and cider are shipped annually.¹⁷

Industrial development of Niagara Harbour and Dock (1831-1862) and other marine companies also flourished at this time and resulted in the creation of the harbour, lake traffic and the ability to move goods to various designations. The movement of goods and people was augmented by the extension of railways c. 1854.¹⁸ By 1864, the Erie & Ontario Railway had been extended and had daily trains running from Buffalo to Niagara-on-the-Lake to serve the growing community and connected to the already established Lake Ontario steamer services.¹⁹ This rail line ran in similar pathways to the Canadian Pacific Railway. In 1869, the Erie & Ontario Railroad became the Niagara division of the Canadian Southern Railway; the Canadian Southern Railway formed a partnership with the

¹³ NOTL.org. Factsheet. N.d.

¹⁴ The Friends of Fort George National Historical Park Inc. 2005. p. 23

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Smith, Wm. H., 1846.

¹⁸ NOTL.org. Factsheet. N.d.

¹⁹ Niagara Falls Railroad- a History. (c) 1999-2017.

Michigan Central Railway and by 1871 three trains per day were running between Fort Erie and Niagara-on-the-Lake.²⁰ The Michigan Central Rail Line tracks ran along King Street and would have passed in front of the subject property during the rail's period of operation. A new steel cantilever design bridge, which would become known as the Michigan Central Railroad Bridge, was completed on 1 December 1883, and allowed the owner, Cornelius Vanderbilt, to fulfil his dream of connecting Canada and the USA and extending rail lines throughout southern Ontario.²¹ The train lines continued operation into the 20th century, and passenger service of the former Erie & Ontario rail line was terminated in the mid 1920s; the rail line was completely closed in 1959.²²

Having rail and water transportation played an important role in attracting tourism. Many wealthy Americans came and spent the summer months in the town for its fresh air, waterfront amenities and local charm. In the late 1860s Niagara-on-the-Lake began to see large, elaborate, and elegant resorts being developed, but most notably the Queen's Royal Hotel.²³ As a result of these positive summer holidays, many American visitors purchased property or large tracts of land and would build summer cottages or residences. The result was that many families, or their descendants, would eventually settle in Canada permanently.

The town's current boundaries were the result of the introduction of a regional government in 1970. The town is comprised of the former Town of Niagara, the former Township of Niagara, and is one of twelve municipalities in the Regional Municipality of Niagara. The town is currently 31,131 acres and has a population of over 14,000 people.²⁴ It is a central hub of tourism and boasts many attractions including the Shaw Festival, dozens of wineries, public and private art galleries, museums, and multiple military forts and historic attractions. Niagara-on-the-Lake sees over three million visitors per year.²⁵

²⁰ Niagara Falls Railroad- a History. C. 1999-2017.

²¹ Ibid.

²² Ibid.

²³ NOTL.org. Factsheet. N.d.

²⁴ Ibid.

²⁵ Ibid.

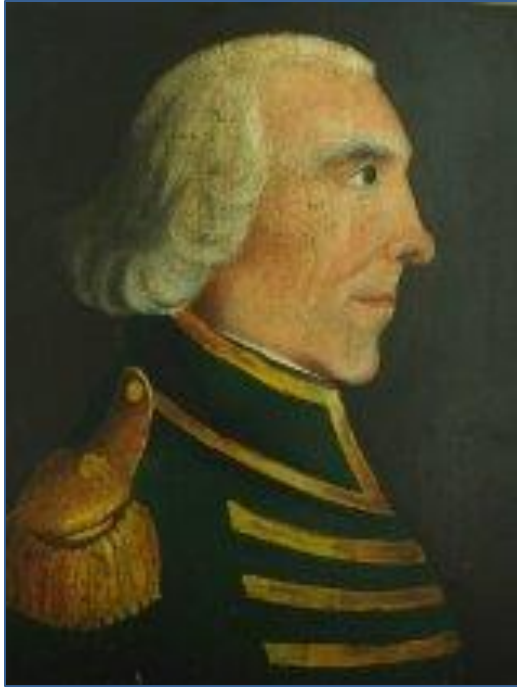


Figure 9: Portrait of Col. John Butler c. 1834 (Niagara Historical Society & Museum, 1834).

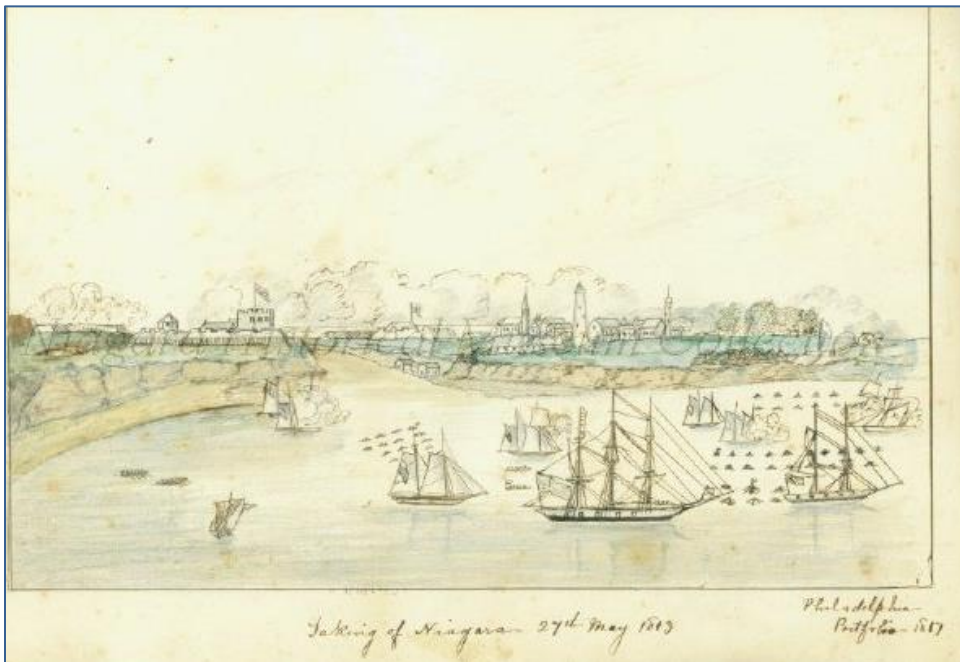


Figure 10: Watercolour portraying the "Taking of Niagara, 27th May 1813 (Niagara Historical Society & Museum, 1817).

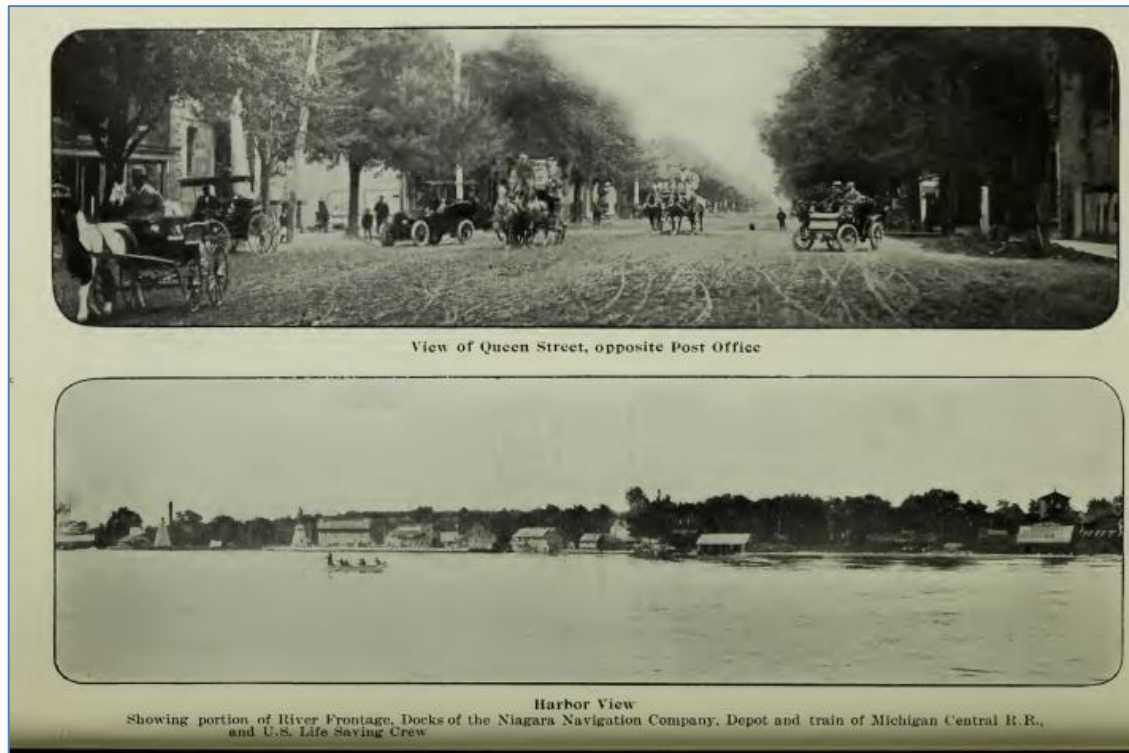


Figure 11: View of Queen Street (top) and view of the Harbor view showing Niagara Navigation Company, Depot and Michigan Central R.R. (bottom) (Clark, 1900).

5.1.4 Education in Niagara-on-the-Lake

At the start of the 1800s there were no dedicated public-schools in what was then known as Upper Canada. This was true for Niagara-on-the-Lake as any type of formal or informal education was carried out in private homes or by clergymen of various denominations.²⁶

One of the first steps taken by the government of the day occurred in 1807 when the *Grammar School Act* was passed; this Act established eight public schools in Upper Canada.²⁷ Despite this important first step in publicly funded education, it was soon realized these Grammar Schools were only accessible to children of wealthy families and material being taught was unsuited to the life and conditions of Upper Canada. Realizing this, the *Common School Act* was tabled in 1816 and passed a year later. A large sum of money (\$24,000) was provided to hire teachers and purchase learning materials. The Honourable George Ross wrote,

The School Act of 1816 contained but sixteen sections, and was the first attempt of the Legislature of Ontario to provide for the educational wants of the whole people of the province, and, elementary though it was, it was a statutory recognition of the right of the people, under the direction of an act of Parliament, to provide for the education of their children.²⁸

²⁶ The Lincoln County Board of Education. 1976.

²⁷ Ross, 1896.

²⁸ Ross, 1896.

In Niagara-on-the-Lake, the first official public school would not be built for some time and residential houses continued to be the primary place of learning. One of the known houses used as a school was the Chapman house; built by George Young in 1816, the house was used as a private school by Ms. Young c. 1825.

Eventually, the first permanent public school, the Niagara Public School, was erected. The land had been donated by then property owner, James Crooks, in 1854 with the condition that it was to be 'used as a Common School and Grammar School'.²⁹ The Niagara Public School was built at the corner of Platoff Street and Davy Street (40 Platoff Street). The large building had four-rooms with two classes on each level. This would have been a dramatic change from learning in a small room in a house. The building was built in 1859 by locally known skilled mason John Thornton.³⁰ According to Joseph Masters,

The three rooms³¹ were heated by a big iron box stove in each room. Each was fired with cordwood, cut once. There was no caretaker and two pupils in each room would remain after school to sweep and dust and the first arrivals in the morning were expected to light fires.³²

Eventually the school became too small for the growing community and the Masonic Hall was used to teach the overflow of students.³³ This Niagara Public School served the educational needs of the community for 89 years until 1948 when Parliament Oak Public School was built. Currently, the Niagara Public School building is a converted 6-suite inn known as the BranCliff Inn.

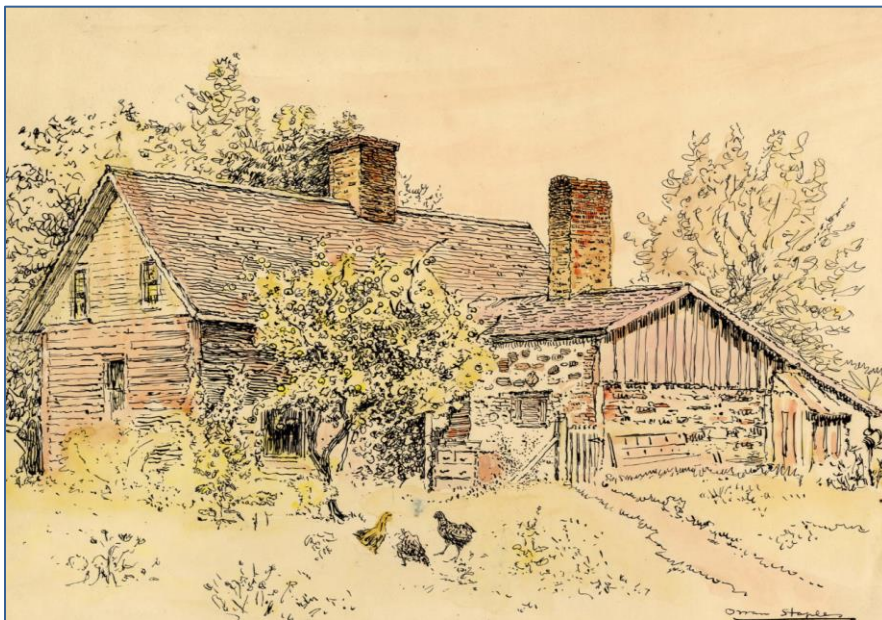


Figure 12: The Chapman House was used as a school c. 1825 (Toronto Reference Library, Call Number JRR 1259 Cab IV).

²⁹ Ascenzo, Denise. 2017.

³⁰ Niagara Historical Society & Museum. *Postcard*. Object ID 2007.015.014.

³¹ There were not enough students to warrant use of the fourth room at the time he went to school (c. 1878).

³² The Masters Papers. 1978. p. 100

³³ *Ibid* p. 210.



Figure 13: George Youngs house, also known as the Chapman House. The house was used as a school c. 1825. (Toronto Reference Library, Call Number D 1-37a).



Figure 14: The interior of the Chapman House (Toronto Reference Library, Call Number D 1-37b).



Figure 15: Image of the first permanent public school in the town of Niagara-on-the-Lake. Built by John Thornton in 1859 (Toronto Reference Library, Call Number PC-ON 1370).



Figure 16: View of the first permanent public school in 2014. The school has been converted into an inn (Google Maps, 2014).

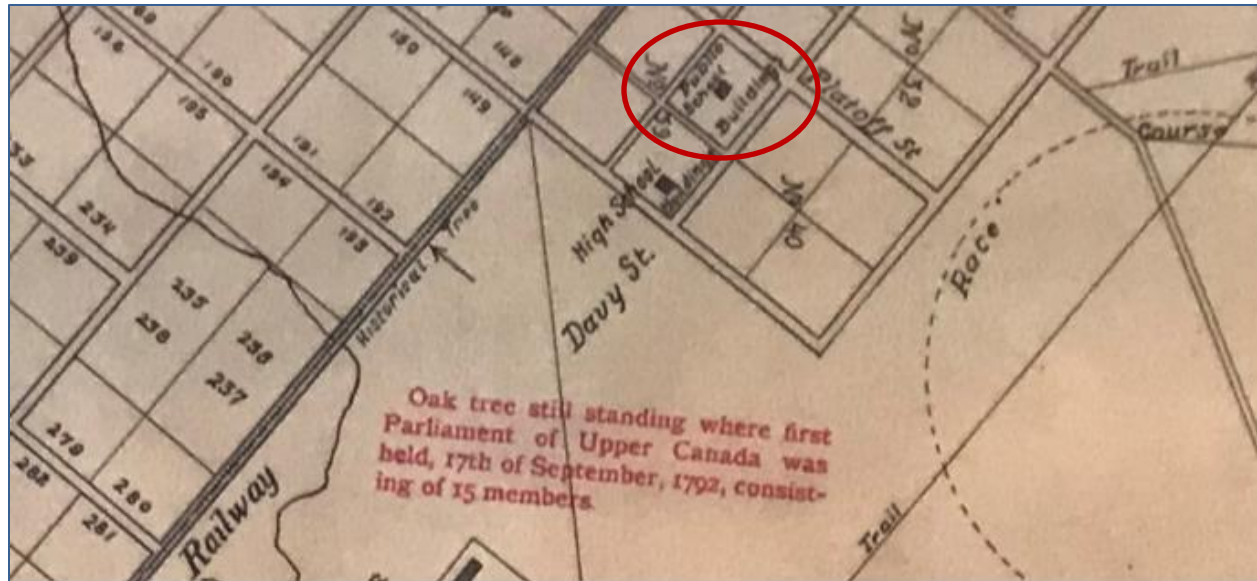


Figure 17: Map showing the land parcel and ownership in 1894. The location of the public school is circled in red. Note the Michigan Central Railway runs down King Street, and the historic oak tree is noted on the map (Johnson, 1894).

5.2 Property History of 325 King Street

5.2.1 Plumb House

The subject property consists of the entire block of land bounded by King Street, Centre Street, Regent Street, and Gage Street. The property originally was purchased by Judge G.C. Campbell in 1846.³⁴ Judge Campbell was actively involved in the community, acting as president of the Niagara Public Library and member of the Turf Club, which was a race track located on the commons directly across from the subject property.³⁵ After his death at age 54, his wife maintained the house until it was purchased by Josiah Plumb in 1865 who is credited with adding the third storey and mansard roof.³⁶ The house would become known as the Plumb House.

Senator Josiah Plumb (b. 1816, USA) immigrated to Canada in 1865 and was a successful businessman.³⁷ Later in his life he entered politics and represented the County of Niagara for the Conservative Party and was first elected to the House of Commons in 1874; he was appointed to the Senate in 1883.³⁸ Plumb was appointed to the Speakership on 4 April 1887, but he did not fulfil this role long as he died in 1888.³⁹

In a pamphlet used to promote the sale of the property, a description of the property and home are described as follows:

³⁴ Niagara Historical Society & Museum. *Sale of Plumb House*. ID No. 2013.022.049.

³⁵ Ascenzo, Denise. 2017.

³⁶ Niagara Historical Society & Museum. *Sale of Plumb House*. ID No. 2013.022.049.

³⁷ Ibid.

³⁸ Parliament of Canada. *Hon. Josiah Burr Plumb*.

³⁹ Ibid.

LANDSCAPING - The property consists of almost 4 acres, approximately 400 square feet, bound by King, Regent, Gage and Centre streets. The whole plot is fenced. It is surrounded with mature maples and elm trees. About half the plot is lawn, garden, and shrubs with many varieties of beautiful flower, and trees, the balance of the property is planted with fruit trees, berries and vegetable gardens. The land is all tiled and drained.

THE HOME faces south and is substantially constructed of brick and stone with fire proof roof and high cellar. Square plan with centre hall. Hardwood floors, black and white marble mantels, hand carved wood work. Beautiful decoration and fixtures. Spacious rooms throughout. The appearance of this unusual home is pleasing and the setting is charming.⁴⁰

Josiah and his wife Elizabeth hosted many people at their house throughout their ownership. Prominent guests included Lord Dufferin (third Governor General of Canada), Marquise of Lorne (fourth Governor General of Canada) and his wife Princess Louise, daughter of Queen Victoria, the Prince of Wales (Later King Edward).⁴¹

After Josiah's death in 1888 the building and property was sold to Edmund Syer, who occupied it until 1910.⁴² The house was eventually sold to Arthur White. According to Joseph Masters, who was the Town Treasurer at the time, Mr. White was financially constrained due to the Depression, and it was Joseph Masters' job to sell the place for unpaid taxes.⁴³ This is how the property came into possession of the Municipality. The Municipality was unable to sell the large property and eventually the Plumb house was dismantled, and various features and materials were sold to local residents who incorporated them into their homes.⁴⁴ When a new public school was being considered, the municipality sold the land to the Board of Education in 1943 and the new public school, known as Parliament Oaks Public School, was eventually built.⁴⁵

⁴⁰ Niagara Historical Society & Museum. Sale of Plumb House. ID No. 2013.022.049.

⁴¹ Ascenzo, Denise. 2017; Niagara Historical Society & Museum. Sale of Plumb House. ID No. 2013.022.049.

⁴² Niagara Historical Society & Museum. Sale of Plumb House. ID No. 2013.022.049.

⁴³ The Masters Papers. p. 225.

⁴⁴ Niagara Historical Society & Museum. Sale of Plumb House. ID No. 2013.022.049.

⁴⁵ Niagara Historical Society & Museum. Sale of Plumb House. ID No. 2013.022.049.



Figure 18: Portrait of Senator J.B. Plumb (LAC, Mikan No.3422085).



Figure 19: The Plumb House which originally occupied the property block. The house was dismantled and removed to make way for Parliament Oak Public School (Niagara Historical Society & Museum, Object ID 2013.022.049).



Figure 20: Drawing of Plumb House c. 1910 (Toronto Reference Library, Call Number JRR 1242 Cab IV).



Figure 21: 1934 Aerial Image showing 325 King Street outlined in yellow. The property was being used as a residential property at this point (Niagara Region Navigator, 2018).

5.2.2 *Parliament Oaks Public School (1947-2015)*

On 31 October 1944, the Corporation of the Town of Niagara-on-the-Lake conveyed the property to the Board of Education of the Town of Niagara.⁴⁶

On the 6 October 1947, the cornerstone was laid for the new eight room public school which would be known as Parliament Oaks Public School.⁴⁷ Construction took place over the next year. During construction of the school, Mr. Thomas Taylor, an employee of the construction firm completing the roof, suffered serious injury when,

...scaffolding with heavy block and tackle was fastened to the roof for hauling up materials. In some manner it broke loose and fell about 25 feet to the ground, striking Mr. Taylor on the head and shoulder, rending him unconscious.⁴⁸

A year later the school was officially opened at a final cost of \$191,000; the original enrollment was 280 students, eight teachers, and a principal, Mr. Brunton.⁴⁹

The school was named Parliament Oaks Public School in commemoration of a historic oak tree, which once grew on the property. This tree was called the Parliament Oak because of a local tradition that stated a session of the First Parliament took place underneath it. The stone commemorative panel on the school's façade reads

Upon this site, according to historic records, during a period of extremely hot weather in August 1793, one of the sessions of the first parliament of Upper Canada, which provided the basis for freedom and democracy in the dominion, was held beneath a spreading oak tree under the chairmanship of Sir John Graves Simcoe. From this tree, which became known as "Parliament Oak" and which for many years stood as a symbol of strength and stability, this school received its name.

Unfortunately, no proof was found to confirm this statement, a fact referenced by some textual resources. For example, Richard D. Merritt writes,

The school's name was based on a legend...Such a meeting has never actually been documented. Perhaps one could image the Clerk of the House of Assembly, Angus McDonell, suggested that rather than enduring yet another meeting inside the hot and stuff Rangers' barracks, the members reconvene under a shady oak tree on the edge of this town lot.⁵⁰

The original Oak tree (Figure 22) burned down in 1913, but a commemorative stone marker was erected by the Niagara Historical Society commemorating the location of the oak tree. Currently, the stone marker remains in its original location in the south-west corner of the property.

In 1956 the school expanded, adding two more rooms to the west part of the building in order to serve a growing student body. In the same year, a ceremony was held – the Empire Day Ceremony – in which a new oak tree was planted at the historic site marker. The ceremonial event included the following participants:

⁴⁶ Ascenzo, Denise. 2017.

⁴⁷ The Lincoln County Board of Education. 1976.

⁴⁸ The Niagara Advance. 22 April 1948, Volume 16.

⁴⁹ The Lincoln County Board of Education. 1976.

⁵⁰ Merritt, Richard. 2012.

Hon. I.N.J. Stewart, Hon. Alfred Wallace Downer, Speaker of the Ontario Legislature, Reeve W.B. Theobald, Lord Mary of Niagara, Wm. Greaves Jr., Douglas Reid, Chairman Niagara Public School Board, J.H. Ramsay, Vice President, Niagara Historical Society and J.I. Gordon, President Niagara Historical Society.⁵¹

In 1966, additions to the south side of the school were carried out; this included the addition of four classrooms, a teacher's staff room and a library.⁵² Ten years later, a new gymnasium was completed at a cost of \$215,000 and officially opened 21 October 1976 (Figure 7). A handful of dignitaries were present at the opening of the addition, which included the Minister of Culture and Recreation, the Honourable Robert Welch.

The building was used as a public school until it was closed on 25 June 2015.



Figure 22: Photograph of the 'Parliament Oak Tree' (Niagara Historical Society and Museum, Object ID 991:118).

⁵¹ Niagara Historical Society & Museum. Print: Photographic. Object ID 989.104.

⁵² The Lincoln County Board of Education. 1976.



Figure 23: Photograph of the newly constructed school taken 12 September 1948 at the official opening (Niagara Historical Society and Museum, Object ID 987.398.14).



Figure 24: Planting a new oak tree with historical stone marker, dated 18 May 1956 (Niagara Historical Society and Museum, Object ID 989.104).



Figure 25: Detail image of stone marker located in the south-west corner of the property (AB, 2018).



Figure 26: Aerial view of the property from 1955. Note the new two room addition is present. It was completed in 1956 (Brock University, GIS).



Figure 27: Aerial view of the property from 1968. Note the new addition on the south-west edge of the property. The location of the stone marker noting the original oak tree are noted with a red circle (Brock University, ArcGIS).



Figure 28: Aerial view of the property from 2000. Note the parking lot and gymnasium addition are now present (Brock University, ArcGIS).

6.0 PHYSICAL/DESIGN ASPECTS

6.1 Main Structure

This large brick building follows an irregular plan; the original portion of the building was designed in an H floor plan. Additions to the building were carried out in 1956, 1966 and 1976. The building is made with yellow brick in a common bond design and has a flat roof which gives it an overall long and low profile. The building is one storey, with the original 1948 portion appearing to present with a more extensive height profile compared to the later additions. This height is emphasized because the original portion was built on a higher platform of land. The gymnasium addition is two storeys.

The original H section of the building follows a symmetrical design, with two recessed entranceways. There are two large stone panels on each of the projecting wings which front towards King Street. One is a written description of the historical significance of the site and the other is a bas-relief panel with a visual representation of the parliament session. The panels are bordered by a raised stone trim and lug sills.

There are large paired rectangular window openings which are rhythmically placed along side and rear elevations. The windows are generously surrounded by vertical vinyl or metal trim with lug sills. All the windows appear to be newer vinyl.

The addition at the rear and south-west elevation have flat roofs which give them a long and low profile. The additions at the rear continued the use of yellow brick, and the additions of the gymnasium, the link, and the south-west wing are built with a light red brick. There are further entrances to the additions located adjacent to the gymnasium and the southwest elevation of the one storey rear addition.

It appears that additions were designed and built by Doug Grayson, Architect, and John Tries Construction Ltd. as they are listed in the programme of the official opening of the additions.

Interior access was not granted.



Figure 29: Front of building (AB, 2018).

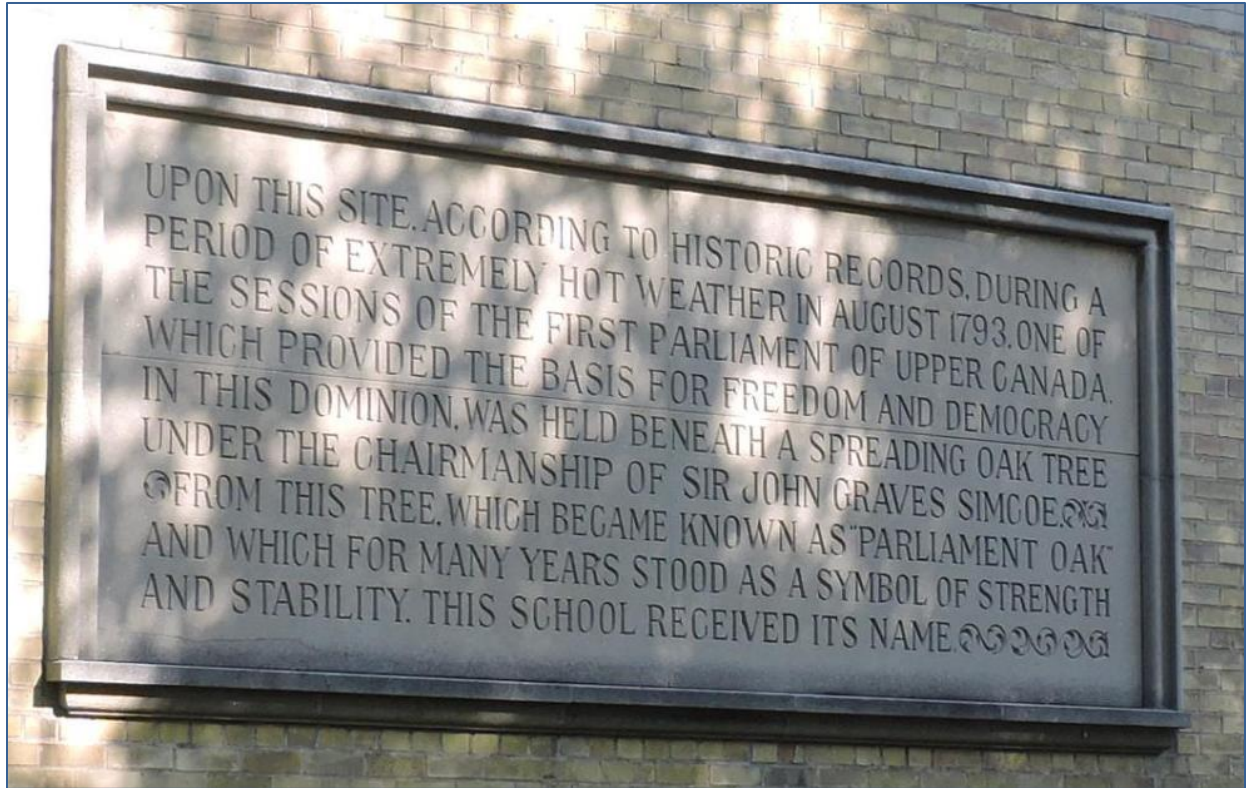


Figure 30: Detail of one of the historic panels (AB 2018).



Figure 31: Detail of one of the history panels (AB, 2018).



Figure 32: Gymnasium additions and the one storey link (AB, 2018).



Figure 33: View of gymnasium, addition and parking lot located on the south elevation (AB, 2018).



Figure 34: Rear of the building (AB, 2018).



Figure 35: North elevation, showing the windows, flat roof, and long and low profile (AB, 2018).

6.2 Property Conditions

A chain link fence is found along all sides of the property with strategic openings to provide access to the playing field, parking lot, and front entrance of the school. The majority of the property is covered with grass and open areas. These areas are used as a soccer field and for other sports. A small area of paved gravel is found adjacent to the building, at the rear. These gravel portions provide a basketball court and playing area for students.

The property has numerous trees which are generally located in a line along the perimeter of the property. Many of the trees fall outside of the chain link fence, which suggest that they are on the public right-of-way. The trees are various species including oak, maple and spruce, and range in age. There are also vegetative plantings found along King Street.



Figure 36: Rear of the property showing the open fields and mix of gravel and grass (AB ,2018).



Figure 37: View of the school taken from the northwest corner of the property showing the open fields, chain link fence and matures trees (AB, 2018).

7.0 EVALUATION

The property was evaluated using the criteria outlined in O. Reg. 9/06.

7.1 Evaluation, O. Reg. 9/06 Criteria for Determining Cultural Heritage Value or Interest

Table 1: O. Reg. 9/06 Evaluation

O. Reg. 9/06 Criteria	Meets Criteria (Y/N)	Summary
1. The property has design value or physical value because it,		
i. is a rare, unique, representative or early example of a style, type, expression, material, or construction method,	Yes	The two stone panels located on the façade of the original building are a locally rare example of large commemorative panel and bas-relief panel.
ii. displays a high degree of craftsmanship or artistic merit, or	No	The property does not demonstrate a high degree of craftsmanship or artistic merit
iii. demonstrates a high degree of technical or scientific achievement.	No	The property does not demonstrate a high degree of technical or scientific achievement. It was built using common methods and materials.
2. The property has historical value or associative value because it,		
i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,	Yes	<p>The property is associated with a local story which holds that Sir John Graves Simcoe lead one of the sessions of the first parliament of Upper Canada beneath an oak tree on the property in August 1793. This understanding has informed the naming of the school built at a later date and the community's understanding of the property.</p> <p>The property is associated with Josiah Plumb who owned and lived on the property from 1865 until his death in 1888. Josiah Plumb was active in local politics as a representative of the County of Niagara for the Conservation Party. He was elected to the House of Commons in 1874 and was eventually appointed to the Senate in 1883. He was also appointed to Speakership in 1887.</p> <p>The property and building have a direct association with the public education system of Niagara-on-the-</p>

O. Reg. 9/06 Criteria	Meets Criteria (Y/N)	Summary
		Lake. From 1948 to 2015, the property and building served the local community as Parliament Oaks Public School. For many local residents this was the school they attended and at which they received their early education.
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or	No	The property may exhibit archaeological potential. However, archaeology can be addressed through another process. Additional assessments may be required by a licenced archaeologist.
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	No	The building does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,		
i. is important in defining, maintaining or supporting the character of an area,	Yes	The surrounding neighbourhood is predominantly one to two storey residential properties. The subject property supports the height of the surrounding neighbourhood.
ii. is physically, functionally, visually or historically linked to its surroundings, or	Yes	The property is historically linked to its surroundings having served the local community as a place of learning for more than 60 years. Many local residents received their education at the school.
iii. is a landmark.	Yes	The property is a landmark having served as a major community centre for more than 60 years.

8.0 CONCLUSIONS/DRAFT STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST

8.1 Legal Description and Civic Address

- 325 King Street, Niagara-on-the-Lake
- Lot 149-150, 191-192, TP Plan 86 Niagara being Part 1, 30R-14504, PIN 46399-0140 (LT)

8.2 Description of Property

325 King Street (legal address Lot 149-150, 191-192, TP Plan 86 Niagara being Part 1, 30R-14504) also known as the Parliament Oak Public School is a former school property in the Town of Niagara-on-the-Lake. The property occupies an entire block of land which is bound by Centre Street (southwest), Regent Street (northwest), Gage Street (northeast) and King Street (southeast). It is enclosed by a metal chain link fence with openings to the open field, parking lot, and front entrance area. The main structure associated with the property has several wings; its core is a one storey brick structure that follows an H-shaped floor plan. There are multiple wings which were added to the rear (northwest) and side elevation (southwest); combined, the entire structure follows an irregular shaped floor plan. The northeast area of the property is a large open space. There are some mature trees and landscaping features found along King Street in close proximity to the façade of the building, and a handful of mature trees located along the public right of way reinforce the edges of the property line along Centre Street, Regent Street, and Gage Street.

8.3 Summary of Cultural Heritage Value or Interest

The property known as 325 King Street, Niagara-on-the-Lake has cultural heritage value for its physical/design value, historical/associative value and its contextual value.

The property has physical design value because of the two stone panels located on the façade. These panels are a locally rare example of a large commemorative panel and bas-relief panel. These panels descriptively and visually depict the local story which holds that Sir John Graves Simcoe lead one of the sessions of the first parliament of Upper Canada beneath an oak tree on the property in August 1793. These panels reinforce the school's connection to this story and the communities understanding of the property.

The property has historical and associative value for its association with the local story where one of the sessions of the first parliament of Upper Canada took place beneath an oak tree, which burned down in 1913. This story later influenced the naming of Parliament Oaks Public School. The property is also historically associated with Josiah Plumb who owned the property from 1865 until his death in 1888. Josiah Plumb was active in local politics as a representative of the County of Niagara for the Conservative Party. He was elected to the House of Commons in 1874 and was eventually appointed to the Senate in 1883. He was also appointed to the Speakership in 1887. The property and building have a direct association with the public education system of Niagara-on-the-Lake. From 1948 to 2015, the building served the local community as a place of learning and education.

The property has contextual value having served as a local landmark and a place of learning for more than 60 years. The height of the building helps maintain and reinforce the character of the area.

9.0 RECOMMENDATIONS AND NEXT STEPS

Based upon the analysis, it was found that the property meets at least one of the Criteria for designation O. Reg. 9/06 of the *Ontario Heritage Act*.

9.1 Heritage Attributes

The cultural heritage value or interest of the property is represented in the following heritage attributes:

- The stone marker noting the location of the original oak tree;
- The two stone panels which descriptively and visually depict a session of the first parliament of Upper Canada which was believed to have taken place beneath an oak tree on the property; and,
- The set back and height of the original 1948 section and its relationship to King Street.

10.0 SUMMARY AND CLOSURE

This report confirms and clarifies the cultural value or interest associated with 325 King Street. The statement of cultural heritage value or interest has been created to reflect the current understanding of the property based on recent research and site visits.

This report has been prepared by Letourneau Heritage Consulting Inc. for the Town of Niagara-on-the-Lake. Any use of this report by a third party is the responsibility of said third party.



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11.0 SUMMARY OF RESOURCES/SOURCES CITED

11.1 Legislation and Policy

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11.3 Personnel Involved in Preparing Report

Senior Review

Marcus Létourneau, PhD, MCIP, RPP, CAHP – Managing Principal, Senior Heritage Planner

Marcus Létourneau is the Managing Principal and Senior Heritage Planner for Letourneau Heritage Consulting Inc. He is also a Senior Associate with Bray Heritage; an Adjunct Assistant Professor in the Department of Geography and Planning at Queen's University; and, a Contributing Associate for the Heritage Resources Centre at the University of Waterloo. Marcus currently serves as Past President of the Ontario Association of Heritage Professionals, Past President of the Kingston Historical Society, and on the Interim Board of Directors for the Heritage Resources Centre at the University of Waterloo. He is a professional member of the Canadian Institute of Planners (MCIP), a Registered Professional Planner (RPP) and a full Canadian Association of Heritage Professionals (CAHP) member.

Marcus was previously the Manager for the Sustainability and Heritage Management Discipline Team (Ottawa/Kingston) and a Senior Cultural Heritage Specialist for Golder Associates Limited (2011-2015). His other positions included: serving as a contract instructor teaching heritage planning at the University of Waterloo from Summer 2016 to Summer 2018; serving as a contract professor at Carleton University in both the Department of Geography and Environmental Studies and School of Canadian Studies (Heritage Conservation); as the senior heritage planner for the City of Kingston (2004-2011) where he worked in both the Planning & Development and Cultural Services Departments; and, in various capacities at Queen's University at Kingston (2001-2007). He previously served on the Board of Directors for Community Heritage Ontario and on the Board for the Friends of the Rideau. Marcus has a PhD in Cultural/Historical Geography; a MA in Cultural Geopolitics; BA (Hons) in Geography with a History Minor; a Diploma in Peace and Conflict Studies; a Professional Certificate in Heritage Conservation Planning; a Certificate in Museum Studies; and training in Marine/ Foreshore Archaeology.

Marcus brings over 20 years of experience to his practice, which is particularly focused on heritage legislation, process, and heritage planning. He has been involved in over 200 projects either the project manager and as the senior heritage planner. He has been qualified as an expert heritage witness at the OMB, CRB, and for a judicial inquiry for the *Public Lands Act*.

Research, Analysis, Reporting

Amy Barnes, MA, CAHP – Project Manager and Public Engagement Specialist

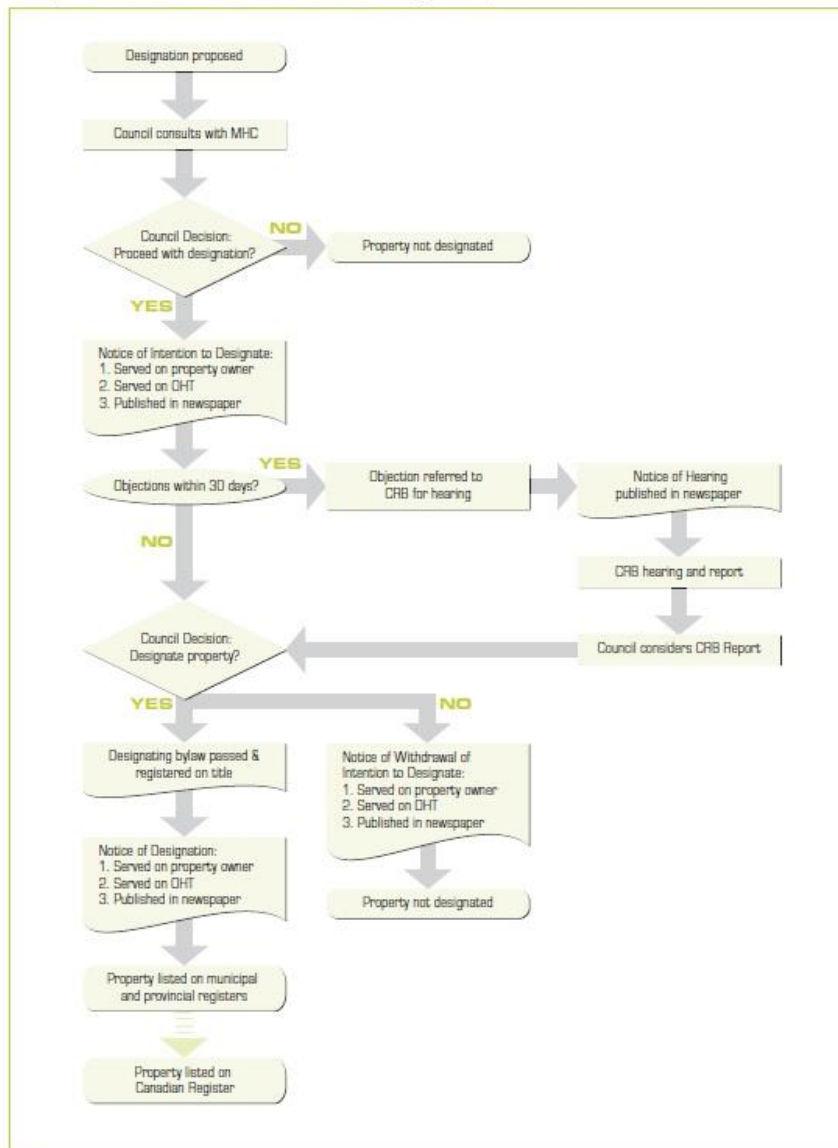
Amy Barnes, M.A. is a Heritage Consultant who has been working in the heritage field since 2009. She holds a M.A. in Heritage Conservation from the School of Canadian Studies at Carleton University in Ottawa, Ontario. Ms. Barnes has worked in the Heritage Planning Departments at the City of Kingston and the Municipality of North Grenville where her duties involved public consultation, records management and work on a variety of heritage-related planning issues. Ms. Barnes has been an active member of the Cambridge Heritage Advisory Committee since 2009 through which she has participated in numerous public consultations and public workshops. Ms. Barnes has presented at numerous conferences and speaking engagements on heritage related topics. Ms. Barnes has a great deal of experience researching and presenting historical information to a variety of audiences including both professionals and engaged citizens. Ms. Barnes has worked as a Content Developer for projects with Heritage Canada Foundation, Virtual Museums Canada, Canadian Heritage Information Networks, and the Heritage Resource Centre at the University of Waterloo. Ms. Barnes has carried out numerous Heritage Impact Assessments and Cultural Heritage Evaluation Reports throughout Ontario.

Appendix A

Flow Chart for Designation Under the *Ontario Heritage Act*

Appendix A - Flow Chart for Designation Under the *Ontario Heritage Act*

1. Designation by Municipal Bylaw
 (Section 29 of the Ontario Heritage Act)



Some Notes on the Parliament Oak property for the 20th Century

The Land at 325 King Street:

Niagara Town Lots 149, 150, 191, 192.

The story of this property goes back to the beginnings of Lt.Gov. Simcoe's town of Newark / Niagara. The Patent Book or original land grants dated 6 May 1796 shows the Crown as Grantor and the following as Grantees:

Lot 149, one acre at King and Gage Streets to Angus Macdonell;

Lot 150, one acre at Gage and Regent Streets to James Macdonell;

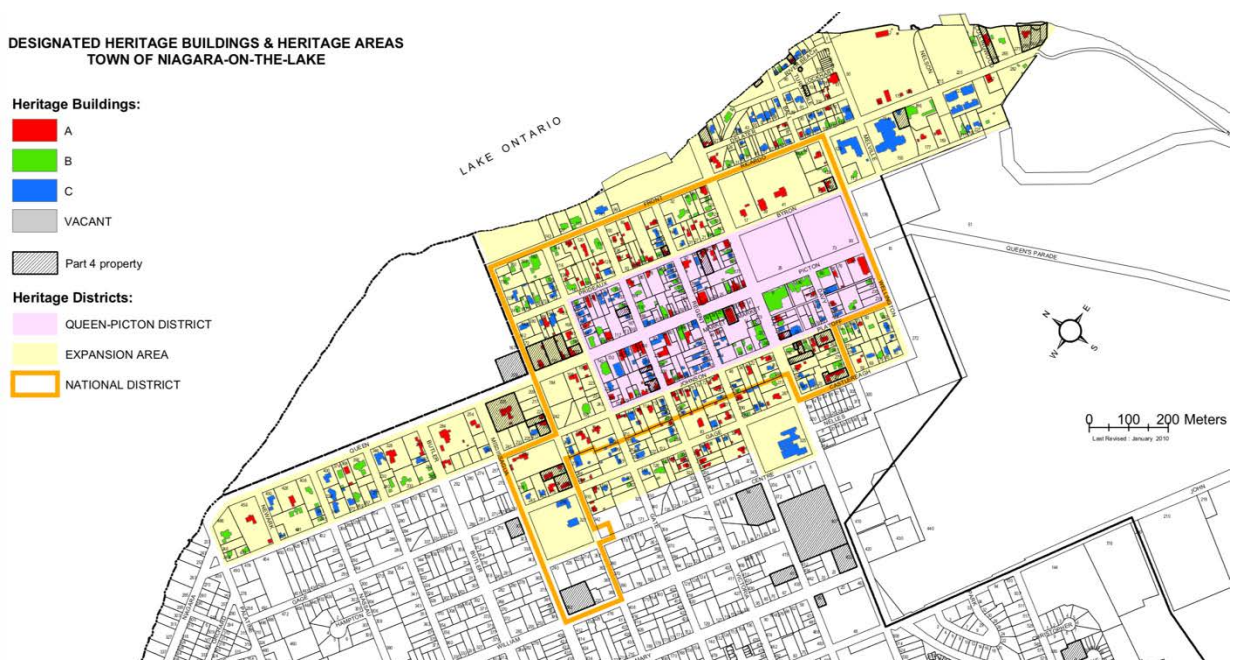
Lot 191, one acre at Regent and Centre Streets to Alexander Macdonell;

Lot 192, one acre at King and Centre Streets to Helena Macdonell.

The fabulous history of the Macdonell family is described by John Ross Robertson in his book "Landmarks of Toronto". In 1864 "J.B. Plumb, Alien" [ed. from Albany, New York] is listed in the assessment rolls as renting a house and property of one and three-quarters acres on King and Gage Streets from the Estate of Judge E.C. Campbell. Plumb purchased Lots 149, 150 and 192 in 1871 from Ann Isabel Campbell, widow of Judge Campbell, and paid \$4,000 for the three acres including the house. In 1872 he purchased three quarters of an acre of Lot 191 from Catherine Cathline. Up to 1943 the final one-quarter of an acre was separated from the property.

Today, as described in DSBN's Contract 18014, Sale of Property document of 5 Jan 2018 for 325 King Street:

The subject property is square in shape and consists of 1.62 hectares (3.99 acres) with frontage of 128.17 meters (420.5 feet) on the northwest side of King Street. It has a north-easterly boundary along Gage Street of 128.55 meters (421.75 feet), a northwesterly boundary along Regent Street of 128.17 meters (420.5 feet) and a southwesterly boundary of 128.55 meters (421.75 feet) along Centre Street, shown as Lots 149 and 150; Lots 191 and 192, Township Plan 86 Niagara; Part 1 on Reference Plan 30R-14504; Niagara-on-the-Lake PIN 46399-0140 (LT), and a vacant one level brick and concrete panel structure, with a total floor area of 3,205.28 square meters (34,501 square feet), defined as "Property" of this Agreement, and known as Parliament Oak Public School.



From mid 2012 to mid 2016 (Leah Wallace's work on the cultural heritage portion of the new Official Plan development), it was anticipated that there would be an Expansion Area of the Designated Heritage Districts of Niagara-on-the-Lake. This would have included the 4-acre estate lot which is Parliament Oak and its fields. So, for a substantial period of time, it was expected that the Parliament Oak School property would be designated as a part of the new Official Plan.

A History of Education in Niagara-on-the-Lake Village

In 2017 controversy swirled around the closure of Parliament Oak Public School and the refusal of the Niagara District School Board to sell the property *back* to the community in Niagara-on-the-Lake that invested in much of the school's facilities and structure. There was a threat that continuity of primary education for children in the village of Niagara-on-the-Lake would cease after over 230 years – the longest continuous period of recorded education anywhere in Upper Canada.

From its earliest occupation in the 1780s, the children of soldiers, sailors and Government officials in Niagara-on-the-Lake (then known as Butlersburg or Newark) were educated with other local children of merchants and tradesmen in teachers' houses (such as the Schoolmaster's House on Mississagua Street, Miss Fenwick's school on Centre Street and Miss Young's school on King Street) around the town.

The first public school in the town, Niagara Public School, had its property gifted to the town by James Crooks in 1854 with the only condition being "to be use of a Common Schools and Grammar Schools in the town of Niagara (now NOTL) forever." The school was later constructed in 1859 on the property located on Platoff Street; a two storey, red brick building with four classrooms, two upstairs and two downstairs. All eight grades were taught in those classrooms and one teacher — and later the principal of the school — was Janet Carnochan, the renowned historian and librarian of NOTL. The school was used until 1948, when Parliament Oak was opened as a continuation of primary education tradition in the historic village.

On Oct. 31, 1944, the Corporation of the Town of Niagara (now NOTL) conveyed to the Board of Education of the Town of Niagara (now DSBN) the land that is now Parliament Oak School. On Jan. 18, 1945, the land was sold from the Town to the Town's school board for \$1. No one at the time would have thought one small town board would eventually be taken over by a regional board — a government entity that would not care how decisions, once made, would affect a very historical town.

On June 22, 1966, the land was sold from the Town School Board to the Niagara Public School Board, again for \$1. In 2013, there was a name change of ownership of the property to the District School Board of Niagara. In that year, the town of Niagara-on-the-Lake lost a valuable heritage site, the Parliament Oak Public School property. It should be noted that the school had maintained a stand of oak trees on the property. All the trees are of different ages to ensure the continuance of the oak and its significance to the heritage of Niagara-on- the-Lake.

Newspaper articles of Contemporary Significance:

According to Jim Smith's 13 May 2006 article in the Niagara Advance:

"Senator Plumb died suddenly in 1888. He was buried in St. Mark's cemetery; William Kirby was one of the pallbearers.

Edmund Syer [*ed. of Chicago, Illinois*] then purchased the home in 1889 and owned it until 1910. Next Arthur White bought the home [*ed. and lived there for 19 years*]. His daughter... Ann Buyers lives on Regent Street.

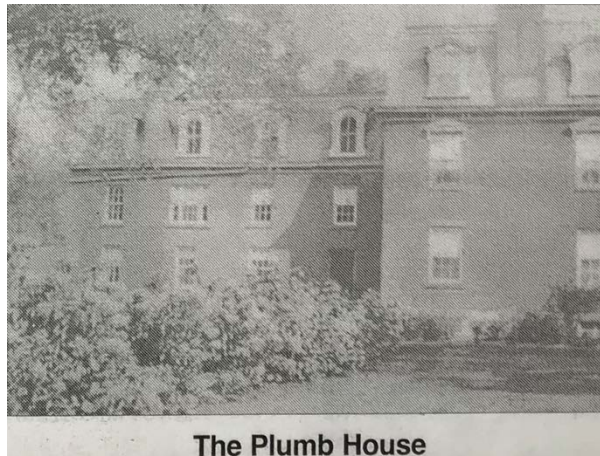
The beautiful historic mansion was dismantled and sold piece by piece in 1943 to make room for Parliament Oak School.

When work began on a new school a truck on site suddenly sank into the ground. After the truck was pulled from the hole, Noel Haines found it had broken into a brick-lined tunnel with arched ceiling.

With a flashlight he climbed into the tunnel and walked all the way [*ed.: half a block*] to Regent Street.

In 1956 this same tunnel opened again showing itself to us school kids. We all had a look into it before once again it was closed.

No one knows who made the tunnel, for what purpose, or where it goes."



The Plumb House

[*ed.: Hon. Senator Josiah Burr Plumb was born in Pennsylvania, USA on 25 Mar 1816, and died on 12 Mar 1888 in his NOTL house. He and his wife, Elizabeth Street (1828-1868) are buried in St. Mark's Cemetery, NOTL. Edmund William Syer (1843-1936) had four children who lived in the Plumb House until 1910.*

The Museum has found no proven written record (e.g., drawings, construction details, professional studies) of any tunnels, but it does hold a detailed description of the Plumb House by Anne Buyers (Plumb's daughter). The Niagara Foundation was reported by the Advance on 3 Jan 2018 as having sent a letter to the DSBN identifying eyewitness accounts of historically significant tunnels under the property. This may include large sewers. Some of the cavernous brick work in the basement of the house is believed to remain below-grade on this property and these may appear "tunnel"-like in places. In any case, best practices would suggest that an archaeological study of below-grade structures and artifacts would be needed before any future development of the property could be undertaken.]

As described primarily in Niagara Advance articles on 14 Mar 1946 and 3 Apr 1947:

In 1946 Niagara had 6 school rooms but, partly because of the enrolment of children of soldiers stationed in the town, the growing younger population needed 8 school rooms and a kindergarten. Shop work and home economics required particular facilities.

After approval from the provincial Department of Education, scarcity of building materials held up project for a year, but the ground was cleared by the summer of 1947.

The Advance also reported on 17 Jul 1947:

“A Committee of Niagara Parks Commission comprised of Messrs Cecil Secord, W.B. Rollason and Maxim T. Gray were in Niagara last Thursday and met with Trustees J. Walsh, A.C. Awde and J.D. Cooper of the Niagara Board of Education.

The meeting was arranged because the Parks Commission had agreed to assist the Board in designing the historic plaques which will be erected on the front of the new Public School on either side of the entrance. These are large plaques, about six by twelve feet in size.

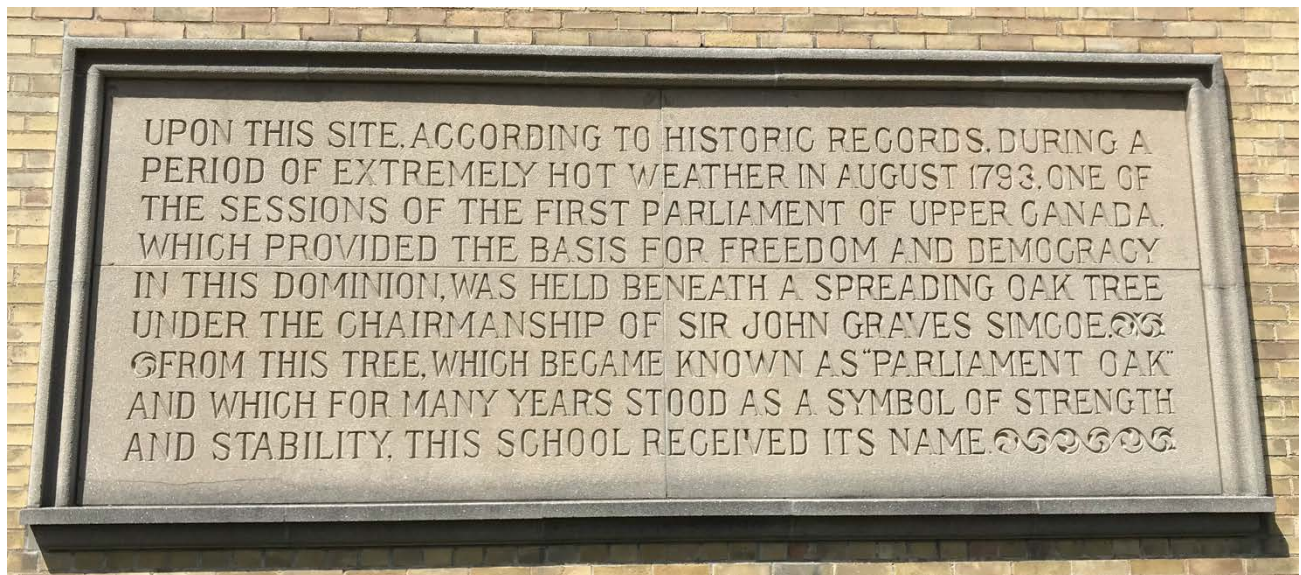
Near the corner of King and Centre Streets. There is a stone marker placed there some years ago by the Niagara Historical Society. At this spot there grew a huge tree and according to historic documents and books, on the occasion of a severely hot day in the summer of 1792, when the first parliament of Upper Canada was in session here, under the leadership of Sir John Graves Simcoe, the members held their session beneath this tree, where some important acts were passed.

Therefore, the naming of the new seat of learning ‘Parliament Oak School’ is most appropriate.

As a result of the meeting of the above-mentioned committees, it has been decided that one of the plaques will be sculptured to represent the meeting of the early parliament under the oak tree and the other plaque will bear a short story of this historic event.

The Historical Society marker will be placed on a new base and another oak tree planted and the spot marked off and will be landscaped.

The Parks Commission experts, who do a great deal of this work, will design the plaques, based on all the historic data that can be secured. In this connection an appeal is made to the citizens here for assistance...”



The plaque on the south wing of the school:

UPON THIS SITE ACCORDING TO HISTORIC RECORDS DURING A PERIOD OF EXTREMELY HOT WEATHER IN AUGUST 1793, ONE OF THE SESSIONS OF THE FIRST PARLIAMENT OF UPPER CANADA WHICH PROVIDED THE BASIS FOR FREEDOM AND DEMOCRACY IN THIS DOMINION WAS HELD BENEATH A SPREADING OAK TREE UNDER THE CHAIRMANSHIP OF SIR JOHN GRAVES SIMCOE. FROM THIS TREE WHICH BECAME KNOWN AS "PARLIAMENT OAK" AND WHICH FOR MANY YEARS STOOD AS A SYMBOL OF STRENGTH AND STABILITY, THIS SCHOOL RECEIVED ITS NAME.

The plaque on the north wing of the school is a carved depiction of the legislative session under the Parliament Oak tree:

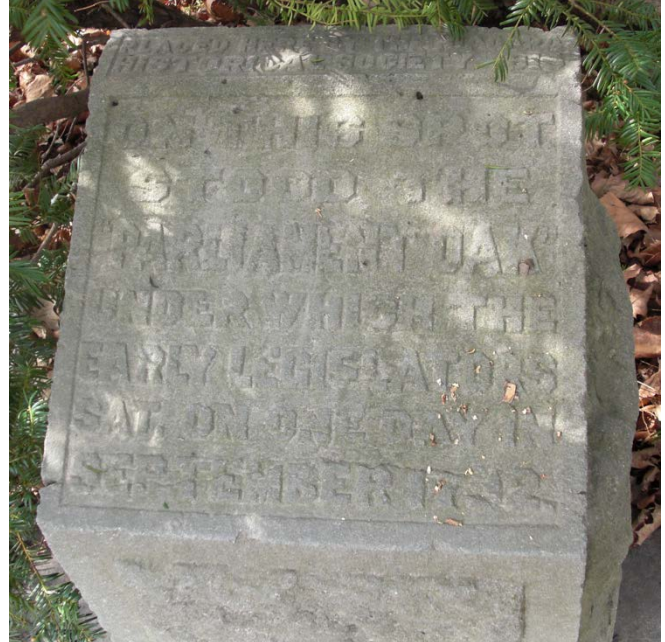


There is also a carved plaque on the newer Community Gymnasium depicts a vast oak tree and has the letters "G.R." at its base.



The school's front faces King Street, by original design, and these plaques are on the front face of the school.

This is the stone plaque that was placed on the Parliament Oak Public School property:



The plaque states:

PLACED HERE BY THE NIAGARA HISTORICAL SOCIETY – 1915.

ON THIS SPOT STOOD THE “PARLIAMENT OAK” UNDER WHICH THE EARLY LEGISLATORS SAT, ON ONE DAY IN SEPTEMBER 1792.

Its southwest corner (bottom left in photograph) is currently located 22 ft. 2 in. west of King Street road surface and 47 ft. 10 in. north of Centre Street’s road surface (or 25 ft. 10 in. from the 8 in. square concrete Lot 192 corner marker).

See appendix for a tree photograph from the Museum archives.

There is also a tribute to the freedom from slavery in Upper Canada on a monument in front of the school. It was put there by the Castellani Art Museum at Niagara University. Parliament Oak, with its ties to the government that enacted the first anti-slavery legislation in the British Empire, is the only Canadian site with this marker; the others are all in the USA.

At the top of this monument there is a visual geographic depiction of this part of Niagara with symbols, and the importance of the Niagara River in the freedom offered to black people coming to Upper Canada from the United States with pathways. In addition to the geographic image is a statement: TAKE THIS FLOWER AND LOOK AT THE MOON FOR ME. HENRY.



At the base of this monument is a quotation:

WHEN I FOUND I HAD CROSSED, THERE WAS SUCH A GLORY OVER EVERYTHING. I FELT AS IF I WAS IN HEAVEN. I AM FREE AND THEY SHALL BE FREE. I SHALL BRING THEM HERE.
HARRIET TUBMAN”

The NOTL Museum has some literature on this art project.

The Advance also reported on 9 Oct 1947:

“On the same historic site, where 155 years ago the first Parliament of Upper Canada sat in one of its sessions beneath a huge, spreading oak tree, to enact a portion of the first democratic legislation in this country, on Sunday afternoon, October 5th was enacted a ceremony that marks another milestone in the history of Niagara, when the laying of the corner stone of the new Public School took place.

Mr. W.J. Zoeger, referring to the historic background of the site, stated that was why the decision was why the decision was reached to name this new seat of learning ‘Parliament Oak School’.

Mr. L.A. Hesson, the architect, presented to Mayor L.W. McConkey an engraved silver trowel and the laying of the corner stone was consummated.

While Mr. Ed Moir, the contractor and his foreman lowered the huge block of stone which bore the large raised numbers ‘1947’, Mayor McConkey tapped the stone into its final position...

Chairman Zoeger holding a copper casket, informed the audience that this would be placed in the corner stone, to repose there until the distant future. The casket contained numerous papers and documents, including a set of plans and specifications of the building, list of students and teachers, Town Council officials, Board of Education and officials, copies of the student addresses and of The Niagara Advance containing articles about the new school. He also invited all present to sign their names in a booklet which had been provided and this would also be placed in the corner stone.

More than 150 signatures were placed on the pages after the ceremony was closed.... “

Some Dates and Principals:

1948: Parliament Oak School opens at a cost of \$191,000 and with an initial enrolment of 280 students served by 8 teachers including Mr. C.E. Brunton as principal. The latter had been appointed principal of the old Niagara Public School in 1929.

1956: Two-room addition was. Added to the existing school on the west side... Empire Day ceremony held at which a new oak tree was planted at the historic site marker to replace the original ‘parliament’ oak that burned in 1913.

1966: Addition of south side of the school... including four classrooms, a staff room and library.

1972: Retirement of Mr. C.E. Brunton as principal in June... Appointment of Mr. Ernest Pries as principal.

1975: Construction of new Community Gymnasium-Auditorium begins in October. The NOTL Community paid for this Gymnasium through gifts from NOTL residents and businesses.

1976: New gymnasium completed at a cost of \$215,000... Official opening of gymnasium on 21 Oct with the Honourable Robert Welch, Q.C., Minister of Culture and Recreation, M.P.P. for Brock, officiating.

1998: On its 50th Anniversary, the principal of Parliament Oak School was Nancy Hartwell.

The Architect:

Lionel Ashton Hesson worked for several years at Nicholson & Macbeth. Much of his work was for buildings of substance in St. Catharines. He also had a connection with industrial and hydro history in Niagara, designed Lightning Fastener Co. on Niagara Street and. worked with the Hydro Electric Power Commission of Ontario (1916-18) where he learned new techniques in reinforced concrete construction of powerhouses.

In conclusion, when pausing at 325 King Street or the edges of this 4-acre property, please give a thought to the Macdonell family, Judge E.C. Campbell and Senator Josiah Burr Plumb who played a large part in the story of this estate lot property, but also in the history of Niagara.

The School's Architecture:

Since Mr. Hesson is no longer living, the Town Historian has consulted with the Ontario Association of Architects, the Niagara Society of Architects and individual architects in the Niagara Region. Their cumulative comments on the structure of Parliament Oak Public School are as follows:

This school was one of the very first primary schools to be built in Ontario after World War II, when the design approach to such schools had changed to include much larger classrooms, with adequate room for such needs as domestic science, science teaching, breakout sessions in classes, adequate wall space, etc. The addition of a library, adequate storage space, and a staff room was also included in primary schools of this new vintage; these subsequent additions in the 1950's, 60's, and 70's were single storey, rectangular, flat roof buildings. The timing of this school's opening in 1947 was commensurate with what we would consider modern classrooms and facilities in Canada. Architecturally, the building had been constructed in a Modernistic style with a vertically prominent main entry and stepped facades, both techniques common to this style. The school also took advantage of improved mechanization of demonstrators in class experiments. The addition of the gymnasium, funded almost entirely by the local community of Niagara-on-the-Lake, offers a major asset to the youth of the community, and is also designed to accommodate theatrical performances, speeches/presentations and concerts. From an exterior perspective, this school was built with local brick.

Conclusion:

These Notes summarize the land on which property is sited, the long history of primary education in the village of Niagara-on-the-Lake, the public record of events and opinions during the construction of the school, the artifacts of significant cultural heritage value on the property, the early administration of the school, and the school's architecture. The school is positioned on a culture heritage site in historic Niagara-on-the-Lake village; its location is close to the centre of the village and the building is designed to be a community asset of a significant proportion and utility.

Appendix:

A Tree Photograph

As noted by Amy Klassen, Acting Managing Director of the Niagara Historical Society Museum:
“We have this photograph which is labelled as the Parliament Oak. There is no date on it.”

[ed.: *This photograph has no provenance, but it is the only known photograph of a possible oak tree on the Parliament Oak property.*]



Appendix C

HERITAGE IMPACT ASSESSMENT



Parliament Oak Public School
325 King Street
Niagara-on-the-Lake

FINAL REPORT
30 OCT 2018

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	APPENDIX A: SITE DOCUMENTATION	

1.0 INTRODUCTION

This *Heritage Impact Assessment (HIA)* report has been prepared by built heritage consultant Megan Hobson at the request of the owner of 325 King Street (former Parliament Oak Elementary School). An *HIA* is required because this property is listed on the Municipal Heritage Register as a non-Designated property and the applicant intends to demolish the building located on the property.

This report was prepared in accordance with the Town of Niagara-on-the-Lake's requirements for *Heritage Impact Assessments*. Historical information was provided to the consultant by heritage staff and by Shawna Butts, Assistant Curator at the Niagara Historical Museum. A site visit was undertaken by Megan Hobson on August 21st, 2018 to assess and document the property and its relationship to the neighbourhood.

2.0 LOCATION



Location Map: The subject property is the Former Parliament Oak Public School, 325 King Street, Niagara-on-the-Lake.

Physiographic Context: Iroquois Shoreline & Birchwood Creek Ravine

The subject property is situated within the Iroquois Plain, a physiographic region of southern Ontario, which is the former bed of a glacial lake known as Lake Iroquois. It is located in the lowland areas close to where the Niagara River empties into Lake Ontario.

Town of Niagara-on-the-Lake

The subject property is located in the Town of Niagara-on-the-Lake, an historic settlement that is now part of the Regional Municipality of Niagara. It is situated on the north side of King Street between Gage and Centre Streets. The property occupies the entire block and extends through to Regent Street. It is located in the Old Town in a low-rise residential neighbourhood that contains a significant number of historic properties.

The Old Town retains the original street layout of the British garrison town established here in 1791. This British colonial heritage is reflected in the historic names of the streets that bound the subject property, including King Street and Regent Street.

Many of the historic military sites, open spaces and built heritage resources associated with the Old Town have been preserved. Today the Old Town is primarily a tourist destination for cultural tourism. Agricultural lands adjacent to the town support a significant wine making industry. Several of the historic homes in this area have been converted to commercial use as inns or Bed & Breakfast accommodation.



View of the subject property from Regent & Gage Streets. [Google]



The subject property is located in an historic residential neighbourhood. Adjacent heritage properties include the Lyons House Bread & Breakfast, corner of King & Centre Streets (left) and a private home, corner of Gage & Regent Streets (right).

3.0 SITE DESCRIPTION

*See APPENDIX A: SITE PHOTOS

The subject property is a 4-acre property that occupies an entire block in the Town of Niagara-on-the-Lake. It contains a one-storey buff brick elementary school called Parliament Oak Public School that was declared surplus in 2012 by the District School Board of Niagara (DSBN).



Aerial photo of the subject property [Google]

Parliament Oak School



Parliament Oak School up for sale, Niagara Now, Dec 12, 2017.

The school building is oriented toward King Street. The front setback contains lawns and landscaping and there are a number of mature trees in front of the school including several oaks. Landscaping in front of the main entrance to the school is more formal with a concrete path and steps up to the front entrance. The lawns on either side of the front path are banked. The change in grade is due to a raised basement under this portion of the building. Other portions of the building do not have a basement level and are entered at grade level.



Parliament Oak School; built in 1947 with additions in 1953, 1965 & 1975.

The school was built in 1947 and named 'Parliament Oak Public School' to commemorate an historic event in Niagara-on-the-Lake, possibly associated with this site. The historic event that may have occurred here was a meeting of Parliament under an oak tree. An old oak tree that used to be located on the subject property, known locally as 'The Parliament Oak', was possibly this oak, although other accounts locate the "Parliament Oak" on the Commons in Niagara-on-the-Lake. While this tree is no longer standing, there are some mature oaks on the subject property. There are also more recent oak trees that have been planted on the site. The name of the school, 'Parliament Oak' is carved in the stone parapet above the main entrance.

There are two carved stone panels affixed to the front of the school dating from 1948 that commemorate this event. One panel contains an inscription that reads:

Upon this site, according to historic records, during a period of extremely hot weather in August 1793, one of the sessions of the First Parliament of Upper Canada which provided the basis for freedom and democracy in this dominion, was held beneath a spreading oak tree under the chairmanship of Sir John Graves Simcoe. From this tree,

which became known as "Parliament Oak" and which for many years stood as a symbol of strength and stability, this school received its name.



King Street (main) elevation – 2 carved stone panels, John B. Shawe, c. 1948.

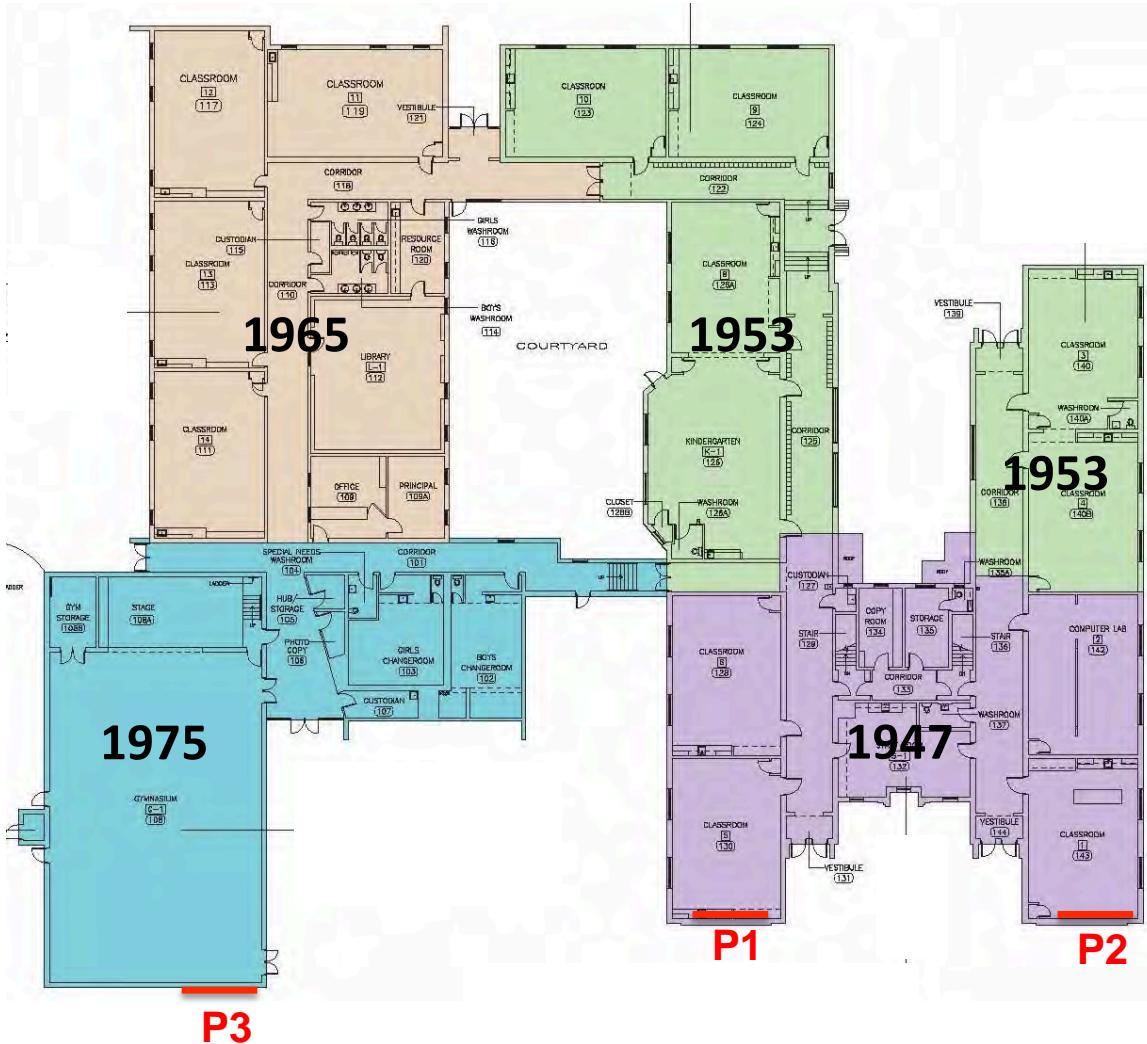
The other panel is a conjectural rendering of the 'Parliament Oak' meeting. It is a symbolic representation. Beautifully carved in a realistic style that combines historically accurate details, such as the uniforms of the British soldiers and the parliamentary mace, with idealized figures of Simcoe and his men as well as representative figures of the local citizenry and aboriginal communities.

There is a third panel affixed to the 1975 addition that also commemorates the 'Parliament Oak'. This panel is incised with a simplified line drawing of an oak tree. The artist has not been identified but the initials 'G.R.' appear on the panel at the base of the tree.



King Street (main) elevation – incised stone panel, unknown artist, c. 1975

1ST FLOOR PLAN – LOCATION OF COMMEMORATIVE PLAQUES



FLOOR PLAN original school built in 1947 with additions in 1953, 1965 & 1977.
 P1 & P2 carved stone panels by John B. Shawe, 1948
 P3 incised stone panel by an unidentified artist, c. 1975

Commemorative Markers

The landscaped area in front of the school contains a commemorative marker that was installed after the school was built. It is associated with the identification of this property as the site of the 'Parliament Oak'.



King Street frontage



Parliament Oak Marker (M1 on site plan)

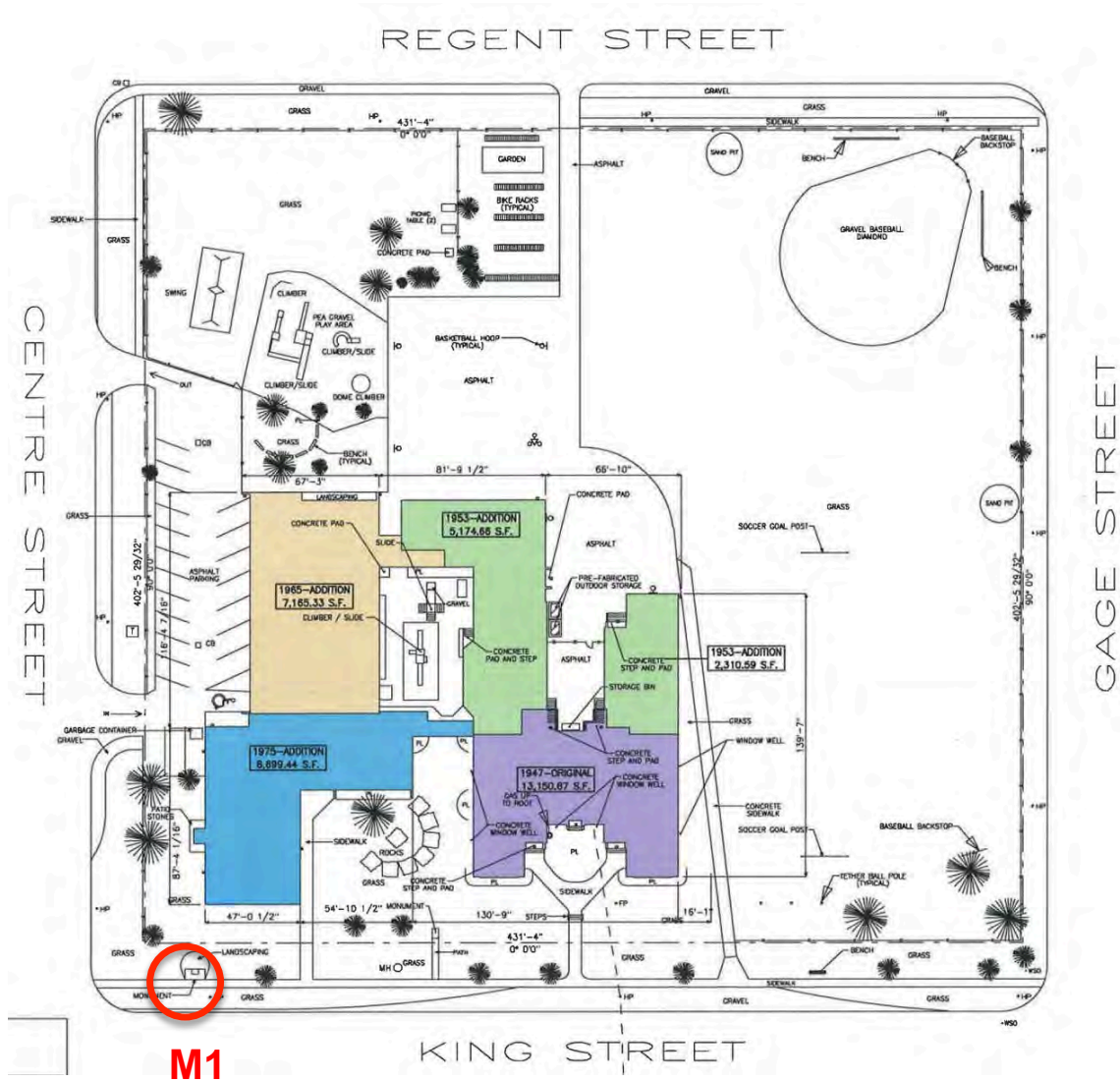
In 1956 the Niagara Historical Society installed a marker on this property to mark the location where the 'Parliament Oak' may have stood on the subject property. The marker is a small stone block approximately 20 inches high with an inscription carved in the top. The inscription reads:

On this spot stood the Parliament Oak under which the early Legislature sat, on one day in September 1792.



Parliament Oak Historic Marker (M1 on site plan)

SITE PLAN – LOCATION OF COMMEMORATIVE MARKER



M1 – Parliament Oak marker, installed here in 1956

Open Space

There is a paved parking area with access from Centre Street beside the school and a paved play surface behind the building. The remainder of the site is open space containing lawns and playing fields and is enclosed by a chain link fence around the perimeter. There are a number of mature trees around the perimeter and a there is large clump of mature trees at the back of the property behind the school building. The playing fields on the north side of the property occupy approximately 1/3 of the lot.



Playing fields



Paved surfaces



Mature trees



4.0 HERITAGE STATUS

The subject property is listed on the *Municipal Register of Properties of Cultural Heritage Value or Interest* as a non-Designated property. It was added to the register following closure of the Parliament Oak Elementary School in 2013. The building remains vacant.

At the time of listing, heritage staff and the *Municipal Heritage Committee* identified two historical connections associated with the subject property:

- the first meeting of Parliament in 1793 (unconfirmed)
- the residence of Senator Josiah B. Plumb (demolished in 1943)

Heritage staff and the Municipal Heritage Committed identified two physical elements on the subject property associated with 20th century commemoration of the first meeting of Parliament in 1793 (unconfirmed):

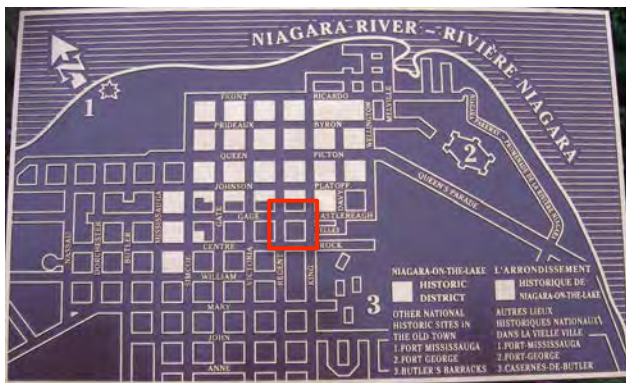
- 2 carved stone panels on the school by John B. Shawe (visible from King Street)
- a small stone marker installed by the Niagara Historical Museum on the front lawn (visible from King Street)

Queen-Picton Heritage Conservation District (HCD)

In 1986 the Town of Niagara-on-the-Lake designated an area in Niagara-on-the-Lake as the Queen-Picton Street Heritage Conservation District (HCD). It included the commercial core and portions of the adjacent residential areas. The subject property is located outside the boundary of the Queen-Picton HCD.

Niagara-on-the-Lake National Historic Site (NHS)

In 2003 the Historic Sites and Monuments Board of Canada declared a large part of Old Town as a National Heritage Site (NHS), the first one in Ontario. The historic district covers 25 city blocks and includes all of the Queen-Picton HCD. The subject property is not located in the Niagara-on-the-Lake NHS.



The subject property is not located within the boundary of the Niagara-on-the-Lake National Historic Site [HSMBC Plaque]

Queen-Picton Streets HCD Expansion

In 2016 the Town released a study to consider expansion of the Queen-Picton Streets HCD. The subject property is located within the Study Area for the Queen-Picton Streets HCD Expansion.



The subject property is located within the boundary of the Queen-Picton HCD Expansion Study Area [Staff Report]

5.0 HISTORICAL CONTEXT

1791: Loyalist Town at Niagara

Niagara-on-the-Lake is an early 19th century Loyalist Town located on the southern shore of Lake Ontario, near the United States Border. It was laid out by the British as a garrison town associated with military defenses located where the Niagara River empties into Lake Ontario. Historically it is significant for its association with British troops stationed here and the administration of government under John Graves Simcoe, the 1st Lieutenant Governor of Upper Canada, from 1791-1796.

In 1791 the settlement at Niagara was renamed Newark and the town was laid out on a grid of 4-acre parcels subdivided into 1-acre lots. This street pattern and many of the original street names are still in evidence today, but most of the blocks have been subdivided into smaller lots.



1831 Map of the Military Reserve at Niagara by William Chewett [Brock]

The subject property is a 4-acre property that occupies the block bounded by King and Regent Streets and Gage and Centre Street. It is comprised of 4 1-acre lots identified as Lot 149, Lot 150, Lot 191 and Lot 192 on Town Plan 86. This lotting corresponds to the original survey prepared in 1791 by D.W. Smith, the Deputy Surveyor General for the British.

1846-1943: The Campbell - Plumb - Sayers - White Estate

The original Crown grant for Lots 149, 150, 191 & 192 (i.e.; the subject property) was awarded to the widow of Allan McDonnell who served in the Royal Highland Emigrants Regiment during

the American Revolutionary War. The grant of 4 town lots was partial compensation for military service and war losses. In 1846 the McDonell's sold three of these lots to Judge Edward Campbell who built a brick house facing the Commons. By 1865 Judge Campbell's house was being leased to Senator Josiah B. Plumb. In 1871 Plumb purchased the house from Campbell's widow and substantially enlarged the house to create a lavish mansion on four acres of grounds.



Senator Plum residence formerly located on the subject property that was demolished in 1943. [Niagara Historical Museum]

Josiah Plumb died in 1888. After his death the property was bought by Edmund Sayer who owned it until 1910. During the First World War the house was used to board officers who were training in Niagara-on-the-Lake. After the war, Arthur White owned the property and then it passed to the Town of Niagara-on-the-Lake around 1940.

The residence of Senator Josiah B. Plumb was demolished in 1943 by the Town of Niagara so that it could be re-developed by the school board to build a new public school. There are no physical traces of the Plumb estate house or grounds on the subject property. Some of the mature trees on the property may be associated with the Plumb Estate grounds but has not been confirmed.

1948-2013: Parliament Oak Public School

The Plumb mansion was demolished in 1943 and in 1944 the property was transferred to the Board of Education of the Town of Niagara (now the District School Board of Niagara) for the purposes of erecting a new elementary school. The new school was named Parliament Oak School.

Parliament Oak Public School was built to replace the old elementary school at the southwest corner of Platoff and Davy Streets built c. 1856. By 1943 the old school building was inadequate to accommodate an increase in enrollment, partly as a result of an increase in soldiers stationed in the Town. The site for the new school was the 4-acre property containing the residence of Senator Josiah B. Plumb.

Plans for the new school were prepared in 1945 by local architect L.A. Hesson (1890-1973). The cornerstone was laid in 1947 and the first classes were admitted in September 1948 and each grade had a dedicated classroom and the school property occupied an entire town block fronting on King Street and bounded by Gage, Centre and Regent Streets.



The Parliament Oak School replaced the old Niagara Public School on Platoff Street built in 1856.[Niagara Historical Museum]

The new school was named Parliament Oak Public School because there was an old oak tree on the edge of the property that was known locally as 'The Parliament Oak'. According to local knowledge, the 'Parliament Oak' marked the location where parliament met in the summer of 1793. Carved stone panels commemorating this historic event were installed on the front of the new school. These panels were carved by John B. Shawe.

When the old oak tree known as the "Parliament Oak" was taken down in 1956, the Niagara Historical Society marked the spot where it stood with a stone marker and new oaks were planted on the school grounds. In 1975 this event was further commemorated on the new addition that faced King Street by a carved stone panel with a stylized image of the 'Parliament Oak'.



Left: Photograph of what was possibly the 'Parliament Oak', c.1920s. This tree is believed to have been on the subject property but is no longer standing. [Niagara Historical Museum]



Right: Tree planting ceremony on the new Parliament Oak school site, c. 1956. Commemorative marker in the foreground in what appears to be a different location than its current location. [Niagara Historical Museum]

6.0 HERITAGE VALUE

Historical Value

Among historians, there is no consensus on where this first Parliament was actually held (see *Section 11.0 Sources – Annotated by the Author*). Some sources indicate it took place at Butler’s Barracks or the Masonic Lodge, while others indicate it was held in a marquee tent on the commons under an oak tree called the “Parliament Oak”. Governor Simcoe’s secretary stated that the First Parliament met at Navy Hall. This confusion is further amplified by contradictions regarding dates associated with this event. For example, the 1956 Niagara Historical Society’s marker indicates the meeting on the site occurred in September, 1792. However, Shawe’s inscribed stone panel indicates the meeting on the site occurred in August, 1793, while information on the Ontario Archives website states that Parliament only sat from May 31 to July 9, 1793.

Therefore, the subject property may have historical value as a site where the First Parliament of Upper Canada may have held an outdoor meeting in August of 1793. This association cannot be confirmed, but it has been commemorated on this site since 1947 in the following ways:

- The name of the school is Parliament Oak and is carved in stone on the parapet
- Oak trees have been commemoratively planted on the grounds since the building of Parliament Oak School here in 1947
- There are 3 carved stone panels affixed to the building that commemorate an early meeting of the First Parliament of Upper Canada that supposedly occurred outdoors under the shade of a large oak tree
- There is a marker installed in 1956 by the Niagara Historical Society on the grounds that identifies this as the site of the ‘Parliament Oak’

Contextual Value

The subject property has some contextual value due to the size of the property within the Old Town. It is associated with a 4-acre estate lot dating back to the c. 1791 layout of the Town. Private ownership under a single owner prevented subdivision of this lot and provided a large parcel for redevelopment by the School Board. All traces of the earlier estate house and grounds were removed by the Town so that a new elementary school could be constructed on the site. Use as a public school from 1948 to 2013 prevented subdivision of the property and allowed retention of open space. In this period, the community had access to this space after school, on weekends and during school holidays.

Architectural Value

The school building located on the subject property consists of the original 1947 elementary school built to designs by local architect L.A. Hesson with later additions and interior renovations undertaken by unidentified architects working for the District School Board of Niagara in 1953, 1965 and 1975.

The original building, with the exception of the carved stone panels on the main elevation, is typical of elementary school buildings erected in Niagara in the 1940s. It has Beaux-Arts influences in the symmetrical arrangement of simple volumes arranged like pavilions on either side of a central axis and the use of buff brick cladding with contrasting light grey (Queenston?) limestone trim. The restrained detailing, cubic volumes, flat roof and large banks of windows reflect the influence of European Modernism.

Later additions have diminished the axial formality and simple massing of the original design. The proportions and materials of the additions are complimentary to the original school. The introduction of modern doors and windows, installation of fluorescent light throughout the interior, and partial covering of the windows with metal cladding is less sympathetic to the original design.

Original interior finishes from 1947 include terrazzo flooring and wood trim. These elements are well executed and are typical of school buildings from this period. Salvage of these components is not warranted. No interior features were identified as potential salvage items.

6.1 EVALUATION ACCORDING TO ONT. REG. 09/06

325 KING STREET, NIAGARA-ON-THE-LAKE (Parliament Oak Public School)

Criteria for Determine Cultural heritage value or interest	Assessment (Yes/No)	Rationale
1. Design or physical value:		
a) Is a rare, unique, representative or early example of a style, type, expression, material, or construction method	NO	Parliament Oak School was built in 1947 and has been significantly modified due to later additions and interior renovations in 1953, 1965 and 1975. The name of the school and the carved plaques are unique features that commemorate a local story about the Parliament Oak.
b) Displays a high degree of craftsmanship or artistic merit	<u>YES</u>	There are two carved stone relief panels affixed to the school by John B. Shawe that display a high degree of design and craftsmanship.
c) Demonstrates a high degree of technical or scientific achievement	NO	The Parliament Oak School is a one-storey structure with traditional buff brick cladding.
2. Historical or associative value:		
a) Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community	NO	This property has been identified as a possible site where the First Parliament of Upper Canada met but this cannot be confirmed and there is no physical evidence on the site to support this claim.
b) Yields, or has potential to yield, information that contributes to an understanding of a community or culture	NO	This property does not have potential to yield further information about the meeting place of the First Parliament of Upper Canada.
c) Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	NO	The original school designed by local architect L.A. Hesson (1890-1973) has been significantly modified due to later additions and interior renovations in 1953, 1965 and 1975. Hesson has not been identified as an architect of significance to the community.

3. Contextual value:		
a) Is important in defining, maintaining, or supporting the character of an area	NO	The character of the area is primarily defined by residential buildings from the colonial period.
b) Is physically, functionally, visually, or historically linked to its surroundings	NO	The subject property contains a public school that was built in 1947.
c) Is a landmark	NO	The Parliament Oak Public School is not a landmark building. There is a commemorative marker on the property that was installed in 1956 that has local significance.

7.0 REQUEST TO DEMOLISH

The owner of the subject property would like to demolish the school building. No formal development is yet planned, nor has a development application been made to the Town. The purpose of this *Heritage Impact Assessment* is to determine the impact of removing the school building in terms of heritage values associated with this property. New development on this property will require submission of a Site Plan Application under the Planning Act. At that time, another *Heritage Impact Assessment* may be required to assess impacts of the proposed development. If a request to demolish is approved, it is recommended that conditions be included to preserve the following heritage values as outlined in the Conservation Strategy outlined in Section 9.0 of this report.

8.0 IMPACT ON HERITAGE VALUE

Identified Impacts

Based on site investigation, research and analysis the consultant concludes that:

- The 1947 school building located on the subject property does not have significant historical, architectural or contextual value within the context of the old town of Niagara
- The 2 carved stone panels on the main elevation of the 1947 school building by John B. Shawe display a high degree of craftsmanship and commemorate an early meeting of the First Parliament of Upper Canada that occurred in the old town of Niagara
- The commemorative marker installed in 1956 that commemorates this place as an early meeting place of the First Parliament of Upper Canada has limited historical value because accounts of this event are unclear and conflicting and there are several sites in the Old Town where the 'so-called' Parliament Oak may have been located. The oak identified on the subject property as the 'Parliament Oak' is no longer standing.

Required Mitigation

Based on the Evaluation According to *Ontario Regulation 09/06* included in this report, the consultant concludes that the subject property does not meet criteria for Designation under the *Ontario Heritage Act*. Designation of this property under the *Ontario Heritage Act* is not recommended.

The Parliament Oak Public School does not have sufficient architectural value to warrant protection from alteration or demolition. However there are 2 carved stone panels affixed to the building by John B. Shawe that exhibit a high degree of design and craftsmanship. Mitigation to preserve the two carved stone panels is recommended.

The school name that is carved in stone on the parapet, the commemorative panels by John B. Shawe and the "Parliament Oak" marker have commemorative value to the local community. Mitigation to preserve the commemorative panels and marker is recommended.

9.0 CONSERVATION STRATEGY

The recommended conservation strategy to mitigate negative impacts of the proposed demolition of the school building include the following measures:

Documentation of the building and grounds:

Documentation provided in this report includes the following:

- historic maps and photographs of the subject property
- photographs of the building and grounds
- a site survey
- floor plans of the building

Given that this school building does not meet criteria for designation under the *Ontario Heritage Act*, the documentation provided in this report is sufficient and no further site documentation is required.

Salvage of the two carved stone panels affixed to the school building:

There are 2 carved stone panels dating from 1948 affixed to the building that have significant design value and should be conserved. Salvage of these elements prior to demolition is recommended. Details of the removal and storage of these items should be approved by heritage staff prior to removal.

Protection of the commemorative marker on the school grounds:

The Parliament Oak marker installed on the grounds in 1956 by the Niagara Historical Society has commemorative value and should be conserved. Protection of the Parliament Oak marker during demolition is recommended. A Commemorative Strategy for incorporating this marker into plans for redevelopment of the site or for relocating it to an appropriate site should be developed in consultation with heritage staff, the heritage committee and the Niagara Historical Museum.

10.0 CONCLUSIONS & RECOMMENDATIONS

In conclusion, it is recommended that the applicant's request to demolish the school building be approved with the following conditions:

- that the 2 carved stone panels be removed prior to demolition
- that details of the removal and storage of the 2 carved stone panels be provided to heritage staff and the municipal heritage committee prior to their removal
- that the Parliament Oak marker be retained *in situ* or relocated to a suitable location approved by heritage staff in consultation with the Niagara Historical Society

11.0 QUALIFICATIONS OF THE AUTHOR

The author of this report is a member in good standing of the Canadian Association of Heritage Professionals. Formal education includes a Master of Arts in Architectural History from the University of Toronto and a diploma in Heritage Conservation from the Willowbank School of Restoration Arts. Professional experience includes an internship at the Ontario Heritage Trust, three years as Architectural Historian and Conservation Specialist at Taylor Hazell Architects in Toronto, and 7 years in private practice in Ontario as a heritage consultant. Other relevant experience includes teaching art history at the University of Toronto and McMaster University and teaching Research Methods and Conservation Planning at the Willowbank School for Restoration Arts in Queenston. In addition to numerous heritage reports, the author has published work in academic journals such as the *Journal of the Society for the Study of Architecture in Canada (SSAC)* and the *Canadian Historical Review (CHR)*.

12.0 SOURCES (Annotated by the author)

Archaeological and Historic Sites Board of Ontario, 'The First Provincial Parliament 1792', Provincial heritage plaque installed at the southeast corner of King & Ricardo Streets. ("On September 17, 1792, John Graves Simcoe, Lieutenant-Governor of Upper Canada, opened in this community, then the capital, the first provincial parliament. ... The First Parliament held all its sittings in "Newark", as Simcoe had renamed Niagara...")

Chapman, L.J. & D.F. Putnam, *Physiography of Southern Ontario*, 2nd ed. (1966)

District School Board of Niagara, *Parliament Oak Elementary School Facility Information*. Niagara-on-the-Lake Elementary Schools Accommodation Review (October 2013).

Early Canada Historical Narratives, "The 1st Parliament of Upper Canada", online resource posted by William R.F. Wilson, B.A. B.ED, M.Ed. Accessed 30 Sep 2018
<http://www.uppercanadahistory.ca/pp/pp2.html> ("Some sources say the first session of Parliament was held in 'a marquee tent' pitched on the commons above Fort George. The spot was marked by an old oak tree known as the 'Parliament Oak' A picture of the decaying tree is in the Niagara-on-the-Lake Museum.")

Hill, Robert. Editor. Entry for 'Hesson, Lionel Ashton" *Biographical Dictionary of Architects in Canada 1800-1950*. Online resource. Accessed online 30 Sep 2018
<http://dictionaryofarchitectsincanada.org/node/242>

Historic Sites and Monuments Board of Canada, National historic plaque installed in Simcoe Park, Niagara-on-the-Lake. ("The first session of the Legislative Assembly held at Newark (Niagara-on-the-Lake) from 17 September to 15 October 1792, introduced a limited form of representative government to the newly created colony of Upper Canada....")

Legislative Assembly of Ontario, 'Timeline: 1780-1819'. Accessed online 27 Sept 2018
<https://www.ola.org/en/visit-learn/about-parliament/history-heritage/timeline/1780-1819>

("Although other locations at Newark (now Niagara-on-the-Lake) were used for meetings of Upper Canada's Legislature, Navy Hall – one of a set of military structures on the banks of the Niagara River - is considered the principle site in town where much of the activity of the new colonial government took place.")

Merritt, Richard D. *On Common Ground; The Ongoing Story of the Commons in Niagara-on-the-Lake*. (Dundurn Press, 2012). ("The school, which still occupies the entire block, was called Parliament Oak School ... the school's name was based on a legend that during a spell of hot weather one of the sessions of the first parliament had been held under a huge oak tree on the property. Such as meeting has never actually been documented.")

Niagara Historical Society *Bulletin No. 7; Historic Buildings*. ("The much vexed question of the first Parliament House may yet be settled but so far it is wise not to assert too confidently, since no less than five places have been mentioned: Navy Hall, The Indian Council House, The Parliament Oak, Fort Niagara, Government House, near the present Court House, and since Parliament met here during five years, it is quite likely that more than one of these can claim the honour.")

Niagara Now, "Town Residents fight for Parliament Oak" Richard Harley, editor-in-chief. (Dec 23, 2017) Accessed online 30 Sept 2018 <http://www.niagaranow.com/news.phtml/244-town-residents-fight-for-parliament-oak>

Niagara Now, "Niagara's History Unveiled; Parliament Oak School" Denise Ascenzo (December 29, 2017) Accessed online 30 Sep 2018 <http://www.niagaranow.com/news.phtml/279-niagaras-history-unveiled-parliament-oak-school>

Niagara Parks, 'Historic Plaques & Markers', Accessed online 30 Sep 2018 <https://www.niagaraparks.com/visit-niagara-parks/heritage/plaques-markers/> (Historic markers located on the subject property are not included on this listing. Several plaques associated with the First Parliament located at Navy Hall are listed).

Niagara This Week, 'NOTL to mark 225th anniversary of first Upper Canada Parliament' (Sep 8, 2017). A re-enactment of the first Parliament of Upper Canada at Simcoe Park on Sunday September 17, 2017 funded by the Ontario 150 Secretariat of the Ministry of Tourism, Culture and Sport and the Niagara Region "to mark the anniversary of the first parliament's opening, which took place Sep 17, 1792."

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-----, *Queen-Picton Streets Heritage Conservation District Expansion Study, 2nd Draft* (July 21, 2016). Accessed online 30 Sep 2018 <https://notl.civicweb.net/document/6839>

-----, *Staff Report MHC-18-007; Report to Council Re; 325 King Street, Parliament Oak School Listing on the Municipal Register* (Feb 13, 2018).

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APPENDIX A: SITE DOCUMENTATION

PARLIAMENT OAK SCHOOL, 325 King Street, Niagara-on-the-Lake

KING STREET FRONTAGE (MAIN)



1975 addition

KING STREET FRONTAGE (MAIN)



P3 Carved stone panel, c. 1975

KING STREET FRONTAGE (MAIN)



1975 Addition

KING STREET FRONTAGE (MAIN)



M1 Parliament Oak historic marker, c. 1956

KING STREET FRONTAGE (MAIN)



M2 Underground Railroad historic marker, c. 1993

KING STREET FRONTAGE (MAIN)



P1 Carved stone panel

KING STREET FRONTAGE (MAIN)



1947 original school

KING STREET FRONTAGE (MAIN)



Carved stone lettering on the parapet, c. 1947



1947 original school – doors are not original

KING STREET FRONTAGE (MAIN)



P2 Carved stone panel c. 1947











KING STREET FRONTAGE (MAIN)



CENTRE STREET FRONTAGE (SIDE)



1965 addition

GAGE STREET FRONTAGE (SIDE)



1953 addition

REGENT STREET FRONTAGE (REAR)



1953 addition

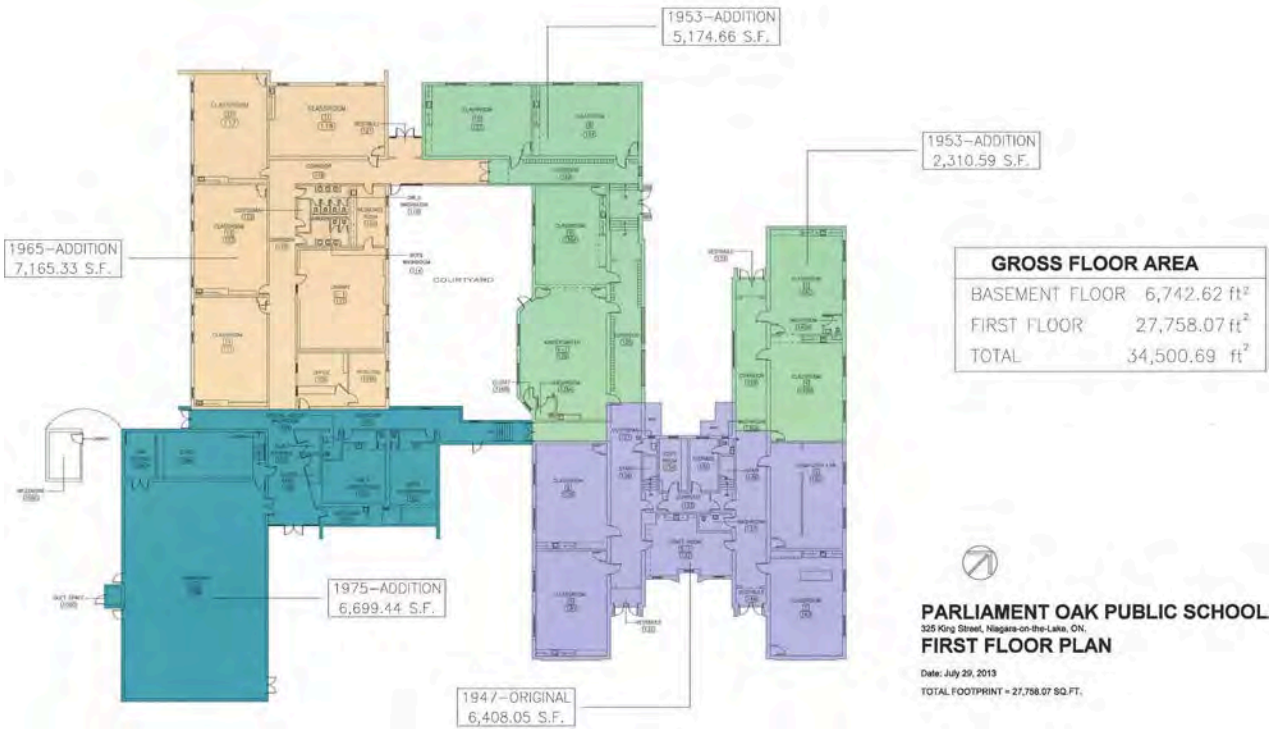
REGENT STREET FRONTAGE (REAR)



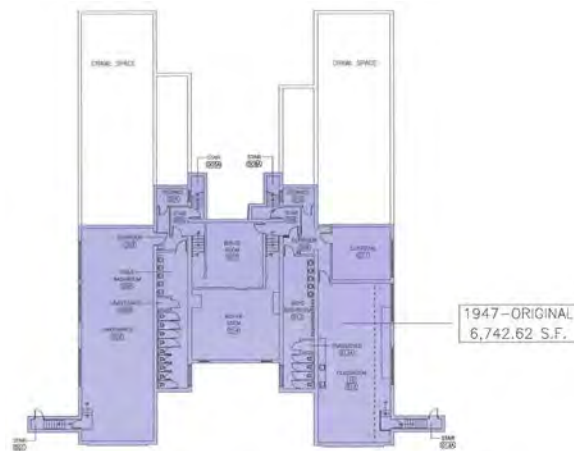
REGENT STREET FRONTAGE (REAR)



GROUND FLOOR PLAN



BASEMENT FLOOR PLAN



INTERIOR



































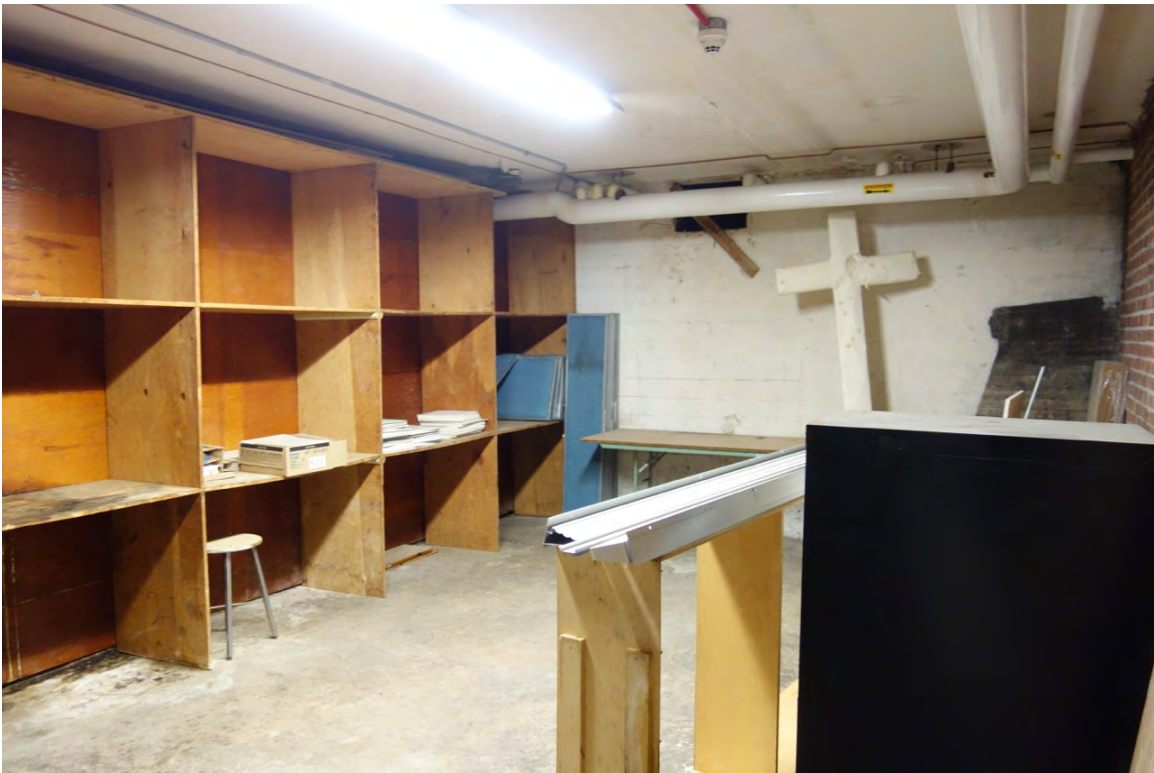




























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