



Administration and Operations Committee Report

To: To the Chair and Members of the Administration and Operations Committee
From: Kayla Cicman, Arts, Culture and Heritage Officer
Date: December 13, 2022
Report #: RPT-0524-22
Subject: Intention to Designate under Part IV, Section 29 of the *Ontario Heritage Act*, Paris Plains Cemetery - 705 Paris Plains Road Paris
Purpose: For Approval

Recommendation

That Staff Report RPT-0524-22 Intention to Designate under Part IV, Section 29 of the *Ontario Heritage Act*, Paris Plains Cemetery - 705 Paris Plains Road Paris dated December 13, 2022, be approved;

That Council states its intention to designate the property at 705 Paris Plains Road under Part IV, Section 29 of the *Ontario Heritage Act* in accordance with the Statement of Significance (Reasons for Designation) included in this report;

And that a By-Law designating the property at 705 Paris Plains Road under Part IV, Section 29 of the *Ontario Heritage Act* be prepared for approval by Council after the 30-day period to file a notice of objection to designate the property has lapsed.

Executive Summary

This report recommends that Council state its intention to designate the property at 705 Paris Plains Road under Part IV, Section 29 of the *Ontario Heritage Act*. The one-acre property contains the Paris Plains Cemetery, which is adjacent to the Paris Plains Church and the Paris Plains School (formerly Maus School), both designated in 1986.

The Province, through the *Ontario Heritage Act*, gives municipalities the authority to grant legal recognition to properties of historic importance by means of designation. A flowchart outlining the designation process is provided in the attachments.

Careful research and evaluation of the property have been completed to support the recommended designation. The Brant Heritage Committee and Cemetery Advisory Committee have both endorsed the designation of the property.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Impacts and Mitigation

Social Impacts

As a place of memory, the cemetery provides a physical connection to the past on a community level. A designation would publicly recognize and promote awareness of the property, provide a process for ensuring that changes are appropriately managed and respect the property's heritage value.

Environmental Impacts

Natural heritage features of the cemetery will be protected with the designation.

Financial Impacts

None at this time.

Report

Background

Heritage Planning Framework

Designation by Municipal By-Law.

The Planning Act, Provincial Policy Statement, and the Growth Plan

The *Planning Act* and the associated Provincial Policy Statement (PPS) and Growth Plan for the Greater Golden Horseshoe (Growth Plan) guide development and planning matters in the Province of Ontario. They provide a framework for decision-making, including policies that relate to the Ontario Heritage Act and to the conservation of cultural heritage resources.

Policy 2.6.1 of the PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*."

Policy 2.6.3 of the PPS directs that "planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

Section 4.2.7 of the Growth Plan directs the conservation of cultural heritage resources "in order to foster a sense of place and benefit communities". The Growth Plan provides further flexibility in the identification of cultural heritage resources, noting that "while some may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation".

Official Plan

The County of Brant Official Plan (2012) elaborates further on the aforementioned policy framework and includes objectives (s. 1.11.2.8) and policies (s. 2.7.6) related to cultural heritage resources and heritage conservation specific to the County of Brant. The Official Plan notes the importance of unique cultural heritage resources including their conservation, promotion, and restoration to maintain their economic and social benefits. The Official Plan

supports the identification, inventory, and evaluation of resources for their long-term protection.

Analysis

Criteria for research is set out in a regulation made under the *Ontario Heritage Act* to determine whether property is of cultural heritage value or interest. Below are written statements and descriptions required to support the designation.

Description:

The Paris Plains Cemetery is an active pioneer cemetery that is the final resting place for many families with deep ties to the County, including veterans from the War of 1812. The land was given to Henry V. S. Maus by employer Absalom Shade (of Galt); in 1823 Maus cleared the land and built a cabin and well on the property.

In the 1820s Maus began to use the property as a burial ground and would go on to give the land to build the church, schoolhouse, and cemetery. The adjacent cobblestone church and schoolhouse are provincially designated; there is a desire to designate the cemetery at this time to protect and preserve the history of the site as a whole. These historical sites have been the heart of the Paris Plains community since the 1800's when the community was established. A table of important heritage burials in the cemetery is included in the attachments.

Statement of Cultural Heritage Value or Interest:

The Paris Plains Cemetery is a property of cultural heritage value or interest. The cemetery is representative example of a 19th century cemetery designed in the rural cemetery style and is linked to the history of Paris Plains Church and of Paris itself. Many of the individuals buried in the cemetery were significant local individuals who contributed greatly to the early development of the community. The property holds significant religious, spiritual and emotional value to residents of the County of Brant whose family members have been buried and continue to be buried within the cemetery. As a place of memory, the cemetery provides a physical connection to the past and to loved ones on both a personal and community level. The Paris Plains Cemetery property has been evaluated for its cultural heritage value or interest under the prescribed criteria of Ontario Regulation 9/06, as included below.

Design and Physical Value

The Paris Plains Cemetery has design and physical value and, in conjunction with the neighbouring school and church, is representative example of a designed cultural heritage landscape. The Cemetery itself is a 19th century church cemetery, influenced by the rural cemetery style that originated in England.

Typical of Ontario cemeteries of this era, it contains a variety of grave markers and monuments which document the many changes in burial practices from the 19th to 21st centuries. These changes are demonstrated in the material, shape, design, size, construction techniques and location of the markers. The cemetery includes early and examples of headstones, as well as many unique monuments which display craftsmanship.

The monuments provide insight into the individuals who are honoured in the cemetery through their inscriptions and symbols which speak to family history, occupation, religion, and affiliations. The size and intricacy of details on the grave markers reveal information about the person's place and status within the community. These gravestones play a role in the

grieving process by providing a tangible connection to those who have passed and the history of the area.

The property also has heritage value from its landscape features of mature trees and other plantings that have been intentionally planted or have developed naturally over many decades. These elements contribute to a scenic space that supports the community through the experiences of loss, grief and commemoration.

Historical and Associative Value

The Paris Plains Cemetery has cultural heritage value for its direct associations with the Paris Plains Church, one of the first religious institutions established by European settlers in Paris. The creation of the cemetery was a significant achievement for the growing Church and met an important need for parishioners.

The cemetery is also directly associated with the early settlement of the community. Many individuals who played a significant role in the development of the County of Brant are interred in this cemetery, including some of the first European settlers. The property holds information about these individuals that contributes to the understanding of the community, as well as the Paris Plains Church.

In addition to its historical significance, the property has direct associations with the theme of burial practices in Ontario as well as the religious, spiritual and social beliefs surrounding death and the afterlife. These beliefs and practices are not only personal but are also part of larger cultural traditions and religious institutions.

Contextual Value

The property is connected to the Paris Plains Church property, which is well-known local landmark, easily visible along Paris Plains Road. The properties that house the Paris Plains Church, Maus School, and Paris Plains Cemetery and their surroundings are part of a cultural heritage landscape that remains physically, visually, and historically linked to its rural surroundings. The cemetery is one of the first community cemeteries, as before the practice was to bury loved ones on the family farm.

Description of Heritage Attributes:

The key heritage attributes for the property are derived from the values described above. These attributes, in addition to the attributes of the Paris Plains Church and Maus School contribute to the overall cultural heritage value and significance of the cultural heritage landscape, and include regard to:

- its defined geographical area which has been modified by human activity;
- its placement in a rural setting; and
- the relationship between the property's topography, natural elements, and hardscaping features, including its variety of monuments, markers, and structures.

Key built heritage attributes include the monuments and markers, including fragments of monuments and markers, which contribute to Paris Plains Cemetery's cultural heritage value and significance include:

- age of many of the grave markers;
- range of size and sophistication, from modest to elaborate;

- surviving inscriptions;
- variety of styles, materials and symbolism represented;
- location and orientation;
- shape and form, including decorative elements; and
- various construction methods and techniques.

Key geographic, natural and hardscaping attributes which contribute to Paris Plain Cemetery's overall cultural heritage value and significance include its:

- views and vistas within the cemetery; and
- placement and variety of mature trees and other vegetation.

Implications of a Heritage Designation:

A heritage designation not only publicly recognizes and promotes awareness of heritage properties, but it also provides a process for ensuring that changes to a heritage property are appropriately managed and that these changes respect the property's heritage value. A designation sets out requirements for changes to the property that provide a mechanism for management by the municipality, ensure flexibility and certainty for property owners, and the protection of significant and valuable resources for the public good.

If the cemetery is designated, most day-to-day activities, including new burials, would not require heritage permits. As with other kinds of designated properties, a permit would be required if an activity or alteration is to be made that would affect the heritage attributes outlined in the designation. These might include the relocation of original markers, the removal of trees or other important landscape features, etc. It is important to note that in the designation of a cemetery, it is not the intention of the designation to be applied to human remains but to the general property and to the described heritage attributed.

The *Funeral, Burial and Cremation Services Act* contains specific procedures for the closure (i.e. removal) of cemeteries if the Registrar of cemeteries determines that the closure is "in the public interest." These provisions apply to all cemeteries in Ontario including those that have been designated under the Ontario Heritage Act.

Designation under the *Ontario Heritage Act* gives council the power to prevent the demolition of structures or designated attributes on a heritage property. If the owner of a designated property wishes to demolish or remove structures, the owner must obtain written consent from council.

This should be a cooperative process, where a property owner applies for the proposed work and receives advice and guidance from the Heritage Committee and/or municipal staff. Council makes the final decision on heritage permit applications.

Additionally, properties adjacent to a property of the Heritage Register have a role to protect the heritage values, attributes, and character of the bordering property to minimize visual and physical impact. Considerations such as orientation and location relative to the heritage property must be considered. When development is proposed on adjacent lands, the evaluation of the property and mitigation of any potential impacts to the adjacent cultural heritage resources are examined.

Summary and Recommendations

The heritage research and evaluation conducted support the request to designate. It is recommended that Council state its intention to designate the property at 705 Paris Plains Road under Part IV, Section 29 of the *Ontario Heritage Act*.

Next Steps:

Should council pass the recommended motion to proceed with designating a property, it must notify the owner as well as the Ontario Heritage Trust and publish a Notice of Intention to Designate in a local newspaper.

If no objections are filed with the municipality within 30 days after the date of the publication of notice in the newspaper, Council can proceed to pass a bylaw designating the property.

It is worth noting that Bill 23, *the More Homes Built Faster Act, 2022*, proposes changes to *the Ontario Heritage Act* that will impact the designation process. If those changes impact the process of this particular designation, staff will ensure that the designation of this particular property is completed according to the legislative requirements applicable.

Attachments

Attachment 1- Designation by Municipal Bylaw Flowchart
Attachment 2- Key Historic Burials
Attachment 3- Photos of Paris Plains Cemetery
Attachment 4- Location Map

Reviewed By

Alison Newton, General Manager Strategic Initiatives

Copied To

Alison Newton, General Manager Strategic Initiatives
Brandon Kortleve, Planner, Policy Planning
Zach Gable, Senior Economic Development Officer

By-law and/or Agreement

By-law Required	Yes
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No