



**Commemoration Plan: Parliament
Oak Inn, 325 King Street, Niagara-
On-The-Lake**

FINAL REPORT

September 11, 2024

Prepared for:
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Limitations and Sign-off

This document entitled Commemoration Plan: Parliament Oak Inn, 325 King Street, Niagara-On-The-Lake was prepared by Stantec Consulting Ltd. ("Stantec") for the account of Two Sister's Properties (the "Client") to support the regulatory review process for its Site Plan Application (the "Application") for the redevelopment of 325 King Street, Niagara-on-the-Lake, ON (the "Project"). In connection therewith, this document may be reviewed and used by the Town of Niagara-on-the-Lake participating in the review process in the normal course of its duties. Except as set forth in the previous sentence, any reliance on this document by any other party or use of it for any other purpose is strictly prohibited. The material in it reflects Stantec's professional judgment in light of the scope, schedule and other limitations stated in the document and in the contract between Stantec and the Client. The information and conclusions in the document are based on the conditions existing at the time the document was published and does not take into account any subsequent changes. In preparing the document, Stantec did not verify information supplied to it by the Client or others, unless expressly stated otherwise in the document. Any use which another party makes of this document is the responsibility and risk of such party. Such party agrees that Stantec shall not be responsible for costs or damages of any kind, if any, suffered by it or any other party as a result of decisions made or actions taken based on this document.

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1 Introduction

1.1 Purpose and Objectives

Two Sisters Resorts Corp. (the Proponent) retained Stantec Consulting Ltd. (Stantec) to prepare a Commemoration Plan for the proposed Parliament Oak Inn, located at 325 King Street, in the Town of Niagara-on-the-Lake (the Town). The property is listed on the Town's *Municipal Register of Cultural Heritage Resources* and is considered to have potential cultural heritage value and interest (CHVI). The CHVI of the property is associated with many periods of the Town's history, including the post-war growth associated with the Parliament Oak School, the Limitation of Slavery and the Underground Railroad, as well as the First Session of Parliament under John Graves Simcoe.

The property is also located in the Downtown Heritage Character Area. A development proposal has been issued which would result in the redevelopment of the property with a boutique hotel as per plans by Peter J. Lesdow Architect provided to Stantec on July 7, 2024.

To consider the implications of the proposed demolition of the existing structure at 325 King Street and the construction of a boutique hotel on the site, Stantec completed a Heritage Impact Assessment (HIA) in February 2023 (Stantec 2023). The HIA assessed the impacts to the property based on the proposed concept design for the development of the property. The HIA recommended the completion of a Documentation and Salvage Report (DSR), a Commemoration Plan, and Design Guidelines to mitigate the impacts of the proposed demolition and introduction of the new hotel.

A Preliminary HIA dated February 3, 2023, was submitted to the Town as part of an Official Plan Amendment and Zoning By-Law Amendment application for the property and as part of a Notice of Intent to Demolish the existing structure at 325 King Street. The Preliminary HIA was present to the Town's Municipal Heritage Committee (MHC) on April 5, 2023. The MHC provided recommendations that were to be presented to the Town Council for acceptance. The MHC recommendations were presented to Council on April 25, 2023. The MHC recommendations were accepted by Council with revisions. The revised recommendations include:

- The Municipal Heritage Committee acknowledge the Notice of Intent to Demolish, dated February 10, 2023, served on behalf of the property owner for the former Parliament Oak School building located at 325 King Street in Old Town; and
- The Municipal Heritage Committee advise Council that the following additional Plans and Information are required to be submitted with the Notice of Intent to Demolish prior to the start of the 60-day timeline for demolition under Sections 27(9)(10) & (11) of the Ontario Heritage Act:
 - *Require addendum to Stantec HIA, assessing development alternatives or mitigative measures for direct impacts to the 1948 school building that specifically considers preservation of the 1948 structure in whole or part, in its original location; and*
 - *Require commemoration plan by CAHP that includes the salvage, preservation and/or commemoration of the following attributes:*



1 Introduction

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- *Stone marker for oak tree*
- *Bas relief panels*
- *1948 King Street façade and one storey building*
- *King St landscaping & trees*
- *Third stone oak tree panel on 1976 east elevation*
- *Mature red oak #28*
- *Underground railroad art installation*
- *1948 Time Capsule • Boundary Ordinance Stone*
- *Acknowledge 67 years of use as a public school*
- *Salvage and reuse of 1948 building materials including slate chalkboards, brick and hardware*
- *“PARLIAMENT OAK SCHOOL” lettering*
- *Acknowledge Lionel Ashton Hesson and his work*
- *Demolition waste management plan be put in place for the removal of debris from the site.*

The HIA was amended and resubmitted to the Town in June 2023. A subsequent version was submitted to accompany the August 2024 Site Plan Application following a motion by Town Council to approve the OPA and ZBA for the proposed development.

Demolition of the building was approved by Town Council on October 11, 2023. The Proponent entered into a Heritage Easement Agreement with the Town in October 2023. The Easement Agreement provides a framework for the conservation of the heritage attributes to be salvaged and conserved from the former school.

The objective of this Commemoration Plan is to consider options to commemorate the history of the property in future site plans and guide a preferred approach to development that responds to the history of the site and is sensitive to the surrounding historical context. To meet these objectives, this report contains the following components:

- Property history, including information about the Parliament Oak, the Underground Railroad, and the Parliament Oak School
- Commemoration approaches and options, including material salvage and use
- Recommendations for a preferred commemoration approach

1.2 Methodology

The Study Area, referred to throughout this Commemoration Plan as “the property”, is defined by the municipal property boundary of 325 King Street (Figure 1). A site assessment was undertaken on January



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1 Introduction

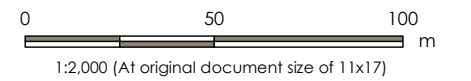
September 11, 2024

20, 2023, by David Waverman, Senior Heritage Landscape Architect, and Kimberley Beech, Landscape Architect in Training, both with Stantec. The weather conditions were cold and overcast with wind and rain. The site assessment included a review of the existing conditions of the property as identified in previous reports for the site, as well as a review of adjacent properties. An additional site visit was conducted April 27, 2023, by Christian Giansante, Cultural Heritage Specialist; Lashia Jones, Senior Cultural Heritage Specialist; and Kimberly Carroll, Landscape Architect in Training, all with Stantec.





Legend
 Study Area (Approx.)



Notes
1. Coordinate System: NAD 1983 UTM Zone 17N
2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2023.
3. Orthomagery © 2023 Microsoft Corporation © 2023 Maxar © CNES (2023) Distribution Airbus DS



Project Location	160940942 REVA
Niagara-on-the-Lake, ON	Prepared by BF on 2023-04-03
	Technical Review by DH on 2023-02-01

Client/Project
TWO SISTERS PROPERTIES
PARLIAMENT OAK INN, 325 KING STREET
COMMEMORATION PLAN

Figure No.
1

Title
Study Area

2 Supplementary Research

2.1 Introduction

The following sections have been prepared to serve as a supplement to the HIA for 325 King Street prepared by ERA in December 2021 (ERA 2021). The purpose of the supplemental research is to provide historical information on three key themes that relate to the preparation of the Commemoration Plan and provide greater context for the existing interpretive material on the site. This should be distinguished from providing an overarching history of Niagara-on-the-Lake and 325 King Street. Information relating to the history of the Parliament Oak School is located in the HIA prepared by ERA in December 2021 (ERA 2021).

2.2 The Establishment of the Parliament of Upper Canada

Between 1774 and 1791, present-day southern Ontario was governed as part of the Province of Quebec. This colony was established in 1763 when Great Britain defeated France in the Seven Years War. As per the terms of the *Treaty of Paris*, nearly all the French territory in North America was divided between Great Britain and Spain. In 1774, the British Parliament passed the *Quebec Act* which, expanded the Province of Quebec into present-day southern Ontario and the Ohio Valley of the present-day United States (Craig 1963: 2). The *Quebec Act* was primarily passed to secure the loyalty of the French population of the colony. Under the Act, Roman Catholicism was tolerated in the colony, the French system of Civil Law was preserved alongside the British system of Common Law, and the seigneurial system of land use was continued (Dagenais 2013).

However, the *Quebec Act* enflamed tensions with the increasingly restless Thirteen Colonies clustered along the Atlantic seaboard. The *Quebec Act* was considered an “Intolerable Act” and was a contributing factor to the American Revolution, which culminated in 1783 with the recognition of the independence of the Thirteen Colonies as the United States (Craig 1963: 2; Dagenais 2013). Approximately one quarter of the population of the former Thirteen Colonies were Loyalists to the British Crown and about 50,000 people left the United States for Great Britain or other colonies, including Canada (Craig 1963: 3).

The new Loyalist population of Canada wished to live under the customs and laws they were familiar with in Great Britain and the former Thirteen Colonies, instead of the French system practiced in Quebec as part of the *Quebec Act*. To accommodate the Loyalists, the British parliament passed the *Constitutional Act of 1791*, which divided Quebec into Upper and Lower Canada. This division was both geographic and cultural; French laws would be preserved in Lower Canada, while the British constitution and laws would be implemented in Upper Canada (Craig 1963: 17).



John Graves Simcoe was selected as Lieutenant Governor of the newly created colony. Simcoe was a veteran of the American Revolution, having served in the Queens Rangers, and eagerly planned to build a model British society in Upper Canada. Simcoe wrote of his desire to “inculcate British customs, manners, and principles in the most trivial as well as serious matters” in the new colony (Craig 1963: 20-21). In July 1792, Simcoe arrived at present-day Niagara-on-the-Lake (then simply called Niagara) to begin his administration. The area contained Fort Niagara, located within New York State, but still held by the British, and buildings on the west side of the river, including Navy Hall, and about a dozen frame houses (Taylor 2010: 25; Niagara-on-the-Lake n.d.).

Simcoe selected Niagara as the capital for the new colony of Upper Canada because he anticipated renewed conflict with the United States and wished to be in vicinity to what he imagined would be a frontline (Taylor 2010: 25). During Simcoe's tenure, Niagara was renamed Newark and developed into the military, political, and social focal point of Upper Canada in the early to mid 1790s (Ormbsy 1991: 35).

On September 17, 1792, John Graves Simcoe held the first session of parliament for the new colony of Upper Canada (Craig 1963: 26; Ontario Heritage Trust n.d.). The exact location the first session of parliament is unknown. Possible locations include Navy Hall, Butler's Barracks, the Freemasons' Hall, or a tent located under an oak tree at the present-day location of 325 King Street (Ontario Heritage Trust n.d.). However, it is generally acknowledged that Navy Hall served as the main parliament site of Upper Canada during this time (Legislative Assembly of Ontario 2023). The *Journal and Proceedings of the House of Assembly* and the *Journal and Proceedings of the Legislative Council* for 1792 do not reference locations that meetings were held (Bureau of Archives 1909; Bureau of Archives 1910).

The second session of the Parliament of Upper Canada was held between May 31, 1793, and July 9, 1794 (Legislature of Upper Canada 1795). Interpretive material on a concrete panel on the exterior walls of the former Parliament Oak School suggests that John Graves Simcoe presided upon a session of this parliament in August 1793 at present-day 325 King Street under the shade of an oak tree. However, both the House of Assembly and Legislative Council were prorogued on July 9, 1793, and no further sessions of parliament were held until 1794 (Bureau of Archives 1909; Bureau of Archives 1919). In addition, the diary of Elizabeth Simcoe indicates that she and John Graves Simcoe set sail for Toronto on July 29, 1793, and they remained in the Toronto area through September (Robertson 1911). Therefore, it is unlikely that any parliamentary proceeding took place under an oak tree at present-day 325 King Street in August 1793.

At the opening of parliament, Simcoe delivered a speech extolling the virtues of the new colony and its settlers. He remarked of the “natural advantages” that would lead to “a numerous and agricultural people” (Craig 1963: 26). The first session of parliament was held from September 17, 1792, to October 15, 1793 (Legislature of Upper Canada 1795). The historian Gerald Craig described the first session of parliament as one of “unity, enthusiasm, and anticipation” (Craig 1963: 26). The first session of the parliament quickly passed laws repealing the *Quebec Act* and established the right to trial by jury. Other laws passed during the first session included the adoption of standard weight and measures, the regulation of fees charged by mills, and an act to construct courthouses and jails throughout the colony (Legislature of Upper Canada 1795).



The Parliament of Upper Canada consisted of an elected lower House of Assembly and an upper Legislative Council of prominent officials. The House of Assembly was elected by freeholders and members of the Legislative Council who were directly appointed by the Lieutenant Governor and Crown. This upper branch of parliament was put in place to serve as an aristocratic check on the public. In addition, the Lieutenant Governor held the power to summon, prorogue, or dissolve parliament. These were put in place because many colonial officials, including Lord Grenville and Simcoe, had believed the lack of a strong aristocracy had contributed to the rebellion of the Thirteen Colonies (Taylor 2007). Simcoe himself lamented that voters preferred to elect men “of a lower order” (Craig 1963: 28). The power concentrated in the hands of the Legislative Council helped to give rise to the “Family Compact”, a term used to describe the network of influential colonial administrators and leaders that held significant power in Upper Canada until the Rebellion of 1837 (Mills 2006). Simcoe departed Upper Canada in July 1796, and in 1797 the Parliament of Upper Canada moved to the new provincial capital of York (present-day Toronto).

2.3 Limitation of Slavery

The second parliament passed 13 pieces of legislation, including acts to regulate militias, build roadways, and validate marriages. However, the most significant piece of legislation of the second parliament was *An Act to prevent the further introduction of slaves, and to limit the term of contracts for Servitude within this Province* (Legislature of Upper Canada 1795). When the act was passed, there were between approximately 500 and 700 enslaved people in Upper Canada. Most of these enslaved people were brought to Upper Canada by United Empire Loyalists (Henry 2022; Riddell 1920: 326).

By the 1790s, the abolitionist movement was gaining traction in the British Empire and the northern United States. Simcoe, like some of his peers, was opposed to slavery. Efforts to restrict slavery in Upper Canada are linked to an incident in March 1793 involving the enslaved person Chloe Cooley and her enslaver Adam Vrooman. He intended to sell Cooley in New York State and she violently resisted this attempt. Despite her resistance, she was tied and transported across the Niagara River to New York. This event was witnessed by Peter Martin, himself a former enslaved person, and William Grisley. Both Martin and Grisley appeared before the Executive Council of Upper Canada to recount the event (Henry 2022; Riddell 1920: 316-317). While Simcoe and others were sympathetic to the plight of enslaved people in Upper Canada, the parliament lacked the legal means to regulate their treatment. When French Civil Law was replaced with Common Law the previous year, it brought the precedent that enslaved people were personal property (Henry 2022; Riddell 1920: 316). Therefore, abolition would be required.

In response, the House of Assembly introduced the *Act to prevent the further introduction of slaves, and to limit the term of contracts for Servitude within this Province* to end the importation of enslaved people in Upper Canada and begin the process of abolition. People already enslaved were not freed by the legislation. Instead, every child born to an enslaved woman following the assent of the Act was to attain their freedom on their 25th birthday. Therefore, the institution of slavery in Upper Canada would gradually end (Riddell 1920: 319-320; Henry 2022). The text of the legislation began with the statement:



“Whereas it is unjust that a people who enjoy freedom by law should encourage the introduction of slaves, and whereas it is highly expedient to abolish slavery in this province, so far as the same may gradually be done without violating private property” (Legislature of Upper Canada 1795).

The Act did not prohibit the sale of enslaved people in the province and across borders. Simcoe also noted the Act was met with some resistance (Riddell 1920: 319; Henry 2022). Nevertheless, it was the only piece of legislation in the British Empire that limited enslavement until it was abolished throughout the empire in 1833 (Henry 2022). Within the wider context of North America, the Act passed in Upper Canada was similar to other laws and acts passed such as in Vermont in 1777, Pennsylvania and Massachusetts in 1780, Connecticut and Rhode Island in 1784, New Hampshire in 1792, New York in 1799, and New Jersey in 1829 (Riddell 1920: 320).

Following the passage of the bill, enslavement in Upper Canada gradually declined as some enslaved people were freed or reached their 25th birthday. Others escaped across the Detroit River into Michigan, where slavery had been banned by the American federal government since 1787 when the *Northwest Ordinance* was enacted (Riddell 1920: 323-324). While enslavement in Upper Canada remained legal until 1833, the practice largely ended by the 1820s (Henry 2016).

2.4 Underground Railroad

The Underground Railroad began in the early 1800s and continued until the end of the American Civil War in 1865, when slavery was abolished in the United States. While neither a railway nor an organized institution, in the words of the Detroit Historical Society, the Underground Railroad was a “secret network of financial, spiritual, and material aid for formerly enslaved people” (Detroit Historical Society 2023). The role of Canada in the Underground Railroad became especially important after 1850. That year, the *Fugitive Slave Act* was passed by the United States Congress. As a result, individuals who had escaped enslavement in the United States could be captured and returned to enslavement in the American south. After the passage of this law, many freedom seekers became determined to make their way into Canada, where slavery was illegal and slave catchers had no jurisdiction (Canadian Museum of Immigration at Pier 21 2023). Other destinations of freedom seekers included Mexico, Spanish Florida, the American west, the Caribbean, and Europe (National Park Service 2022a).

Following passage of the *Fugitive Slave Act* an estimated 15,000 to 20,000 freedom seekers entered Canada from the United States (Landon 1920: 240; Henry 2006). This influx of freedom seekers included both recently escaped enslaved people and former enslaved people who were residing in the northern United States and now feared capture (Landon 1920: 245-246). The most important destinations in present-day Ontario for freedom seekers along the Underground Railroad were Essex County, Kent County, Elgin County, and the Niagara area. All of these locations were located near the border with the United States and escaped enslaved people crossed either the Detroit River, Niagara River, or Lake Erie to attain their freedom (Landon 1919: 45).



Along the Niagara River, many freedom seekers arrived in Niagara Falls, New York, to complete their escape into Canada. Many individuals escaping enslavement crossed into Canada at the International Suspension Bridge over the Niagara River. These freedom seekers were aided by sympathetic railroad employees and abolitionists along the rail line. The noted abolitionist and former enslaved person Harriet Tubman led many groups over the suspension bridge into freedom in Canada (National Park Service 2022b). Following the passage of the *Fugitive Slave Act*, Harriet Tubman settled in St. Catharines where she continued her role in the Underground Railroad. She returned to the United States during the American Civil War and served as a nurse. After the war, she settled in Auburn, New York (TVO 2019). The property at 325 King Street contains a memorial to Harriet Tubman.

In Canada, former enslaved people were entitled to the rights of citizenship, the ability to purchase land, and equal voting rights (Landon 1919: 51). However, prejudice did exist and some were wary of the influx of refugees (Canadian Museum of Immigration at Pier 21 2023; Landon 1925: 174-175). Following the conclusion of the American Civil War in 1865 and the abolition of slavery in the United States, approximately two thirds of the former enslaved people in Canada returned to the United States to be reunited with their families and communities (Landon 1920: 240; Canadian Museum of Immigration at Pier 21 2023). Others remained in Ontario and made contributions to the development of the province, including establishing farms, churches, schools, cultural organizations, and newspapers (Henry 2006).

3 Interpretation and Commemoration

3.1 Overview

The rationale for providing a Commemoration Plan in advance of demolition of a heritage resource is to contemplate appropriate ways a property can be acknowledged for its important role in the history of a place before the built form is removed or the site is altered. The goal is to retain elements that can be used to communicate and interpret the history of a place to the public. Therefore, a plan to commemorate the built form and history of the property must balance former use and current condition to find opportunities for storytelling so that the public understands the history of this place and how it fits into the history of Niagara-on-the-Lake, more broadly.

There are a wide range of commemoration programs that may be installed on the property and/or within the future development to conserve the identified heritage value related to the early institutional value of the former Parliament Oak School and history associated with the site. The proposed conservation approach focuses on the recognized cultural heritage value of the site, including the design/physical, historical/associative, and contextual value previously identified.

3.2 Accessibility

The interpretative and commemorative materials of the Parliament Oak School and site should be installed in a safe and publicly accessible location on the property. The commemoration should be AODA compliant and conform with the Crime Prevention Through Environmental Design (CPTED) principles and be designed and sited to reduce potential for vandalism and be located within area of high surveillance.

3.3 Elements of Interpretation and Commemoration

To effectively convey the cultural heritage value of the property, a commemoration approach should incorporate a list of potentially salvageable materials/objects from the buildings and historic material such as photography and mapping to assist in commemorative features. To develop this list, it is important to first understand the themes that the property represents. Based on an understanding of those themes, and supplemented by a site visit to determine visual condition and feasibility for salvage, a list of physical items recommended for salvage has been prepared.



3.3.1 Thematic Overview

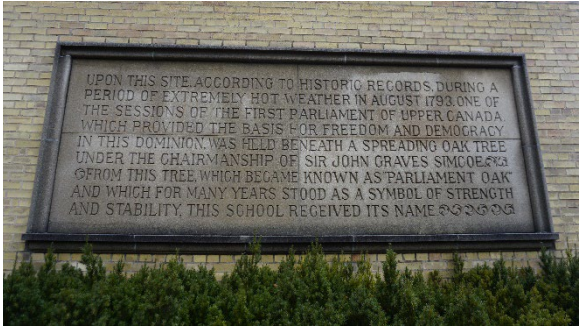
Based on the supplementary research provided in Section 2 and information included in previous HIAs, the following themes were identified for their associations with the property. These are used for framing the interpretation approach for the property and help to place it within a greater historical context. Themes identified include:

- John Graves Simcoe and the First Session of Parliament
- The Underground Railroad Terminus in the Niagara Region
- Parliament Oak School

3.3.2 Salvageable Materials

Materials, components and intangible elements associated with the property were identified by Town Council in Section 1.1. These materials, components and intangible elements were identified for salvage, preservation and/or commemoration within the Commemoration Plan. The retention of the identified materials and components in Table 1 is required to enhance the themes identified in Section 3.3.1. An overview of the proposed approach for each material, component and intangible element is shown in Table 2.

Table 1: Materials Recommended for Salvage

Salvageable Materials	Photograph
The 2 bas-relief panels designed by John B. Shawe located on the south elevations	 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 Photo 3.1: Textual bas-relief panel  Photo 3.2: Graphic bas-relief panel
The third 120 inch by 96 inch large format stone incised oak tree panel, located on the east elevation of the 1976 gymnasium addition.	 Photo 3.3: Stone incised oak tree panel

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3 Interpretation and Commemoration

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Table 1: Materials Recommended for Salvage

Salvageable Materials	Photograph
The 1915 Parliament Oak stone tree-marker that details the site's association with the first Parliament of Upper Canada	 Photo 3.4: Parliament Oak stone tree-marker
Town Survey Stone	 Photo 3.5: Town Survey Stone
The art installation to commemorate the Underground Railroad	 Photo 3.6: Underground Railroad art installation



Table 1: Materials Recommended for Salvage

Salvageable Materials	Photograph
Materials associated with the Parliament Oak School including, but not limited to: - Bricks and stones from the 1948 school building - Concrete or stone Parliament Oak School sign 1948 Parliament Oak School time capsule <i>Note: It is not anticipated that all stone and brick will be salvaged but instead some of the more representative elements salvaged for future use.</i>	 Photo 3.7: Typical brick and stone finish  Photo 3.8: Parliament Oak School

Table 2: Niagara-on-the-Lake Council Elements for Salvage, Preservation and/or Commemoration

Material, Component or Intangible Element	Proposed Approach
Stone marker for oak tree	Salvage, commemoration, and reinstatement. Further defined in Table 2, Table 3 and Section 3.4.2.
Bas relief panels	Salvage, commemoration, and reinstatement. Further defined in Table 2, Table 3 and Section 3.4.2.
1948 King Street façade and one storey building	Salvage and commemoration. Further defined in Table 2 and Table 3. Based on the findings of the HIA, the King Street façade and one storey building cannot be retained according to the functional requirements of the property.
King Street landscaping and trees	Select Preservation. Retention of 5 existing trees along King Street is shown in Figure 2. Additional details regarding trees are available in 325 King Street, Niagara-On-The-Lake, Ontario Arborist Report: Tree Inventory and Preservation Plan (Stantec 2023). The proposed hotel will contain landscaped frontage along King Street.

Material, Component or Intangible Element	Proposed Approach
Third stone oak tree panel on 1976 east elevation	Salvage, commemoration, and reinstatement. Further defined in Table 2, Table 3 and Section 3.4.2.
Mature red oak #28	Preservation. Additional details regarding trees are available in <i>325 King Street, Niagara-On-The-Lake, Ontario Arborist Report: Tree Inventory and Preservation Plan</i> (Stantec 2023)
Underground railroad art installation	Salvage, commemoration, and reinstatement. Further defined in Table 2, Table 3 and Section 3.4.2.
1948 Time Capsule	Salvage, commemoration, and reinstatement. Further defined in Table 2, Table 3 and Section 3.4.2.
Boundary Ordnance Stone	Preservation. Further defined in Table 2 and Table 3. It was determined that this element is a "Town Survey Stone" rather than a "Boundary Ordnance Stone"
Acknowledge 67 years of use as a public school	Commemoration. Further defined in Section 3.4.2.
Salvage and reuse of 1948 building materials including slate chalkboards, brick and hardware	Salvage, commemoration, and reinstatement. Further defined in Table 2, Table 3 and Section 3.4.2.
"PARLIAMENT OAK SCHOOL" lettering	Salvage, commemoration, and reinstatement. Further defined in Table 2, Table 3 and Section 3.4.2.
Acknowledge Lionel Ashton Hesson and his work	Commemoration. Further defined in Section 3.4.2.

Building materials and elements associated with the design and history of the property may be salvaged and implemented into the commemoration program. Salvaging physical aspects of the building provides a tangible connection to the history of the property its history. When interpreted along with other commemorative aspects the physical aspects provide a historical and physical connection with the history of a place that cannot be replicated or conveyed by interpretive text alone.

3.3.3 Examples of Commemorative Approaches

The following are examples of approaches to commemoration that may be appropriate for the proposed development. These are typical approaches to commemorate cultural heritage resources and/or events.

Commemorative/Dedication Plaque

A commemorative/dedication plaque is a small and often brief plaque affixed to sites of cultural heritage value or interest. These plaques are used to note a place or event of significance and provide a brief overview without necessarily providing an interpretive experience to the reader or placing the site within a wider context (Plate 3.1).



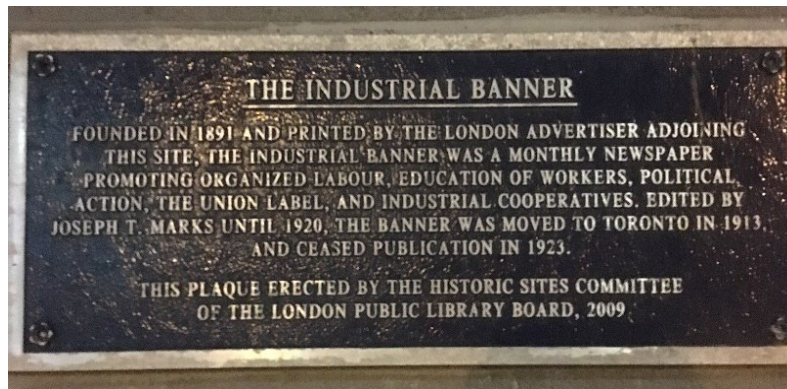


Plate 3.1: Example commemorative plaque, 421 Richmond Street, London, Ontario

Quick Response (QR) Codes

QR codes are barcodes scanned with a smart phone or other electronic device that link to online materials such as a verbal narratives, visual materials, or dedicated websites. QR codes are valued types of commemoration that often provide the user with a more interactive experience when compared to traditional interpretive materials such as plaques. However, QR codes rely on users to have a smart phone or other similar device, restricting the potential user base.

Interpretive Panel

An interpretive panel is generally a more in-depth commemoration option compared to a dedication plaque but is less interactive and engaging than QR codes. Interpretive plaques are often freestanding objects that incorporate approximately 100-150 words of interpretive text with selected historical images and mapping. The goal of an interpretive panel is to provide the reader with a succinct and memorable overview of the cultural heritage value or interest of a site or property. Interpretive panels are often used in conjunction with the display or reuse of salvaged materials (Plate 3.2). Interpretive panels may also include QR codes to provide individuals with additional information that may be relevant to the history of the site.



Plate 3.2: Example of an Interpretive Panel in London, Ontario

Adaptive Reuse of Salvaged Materials

The adaptive reuse of salvaged materials includes incorporating these materials into a new use. The adaptive reuse of materials can be used in an architectural context where the salvaged materials are integrated directly with the design of the building. The adaptive reuse of salvaged materials creates a direct connection between the intangible history of the site with the new development. Should reuse as part of the new structure not be architecturally feasible, salvaged material can also be integrated into new developments in a more active way, such as landscape features, benches, public art, or commemoration material.

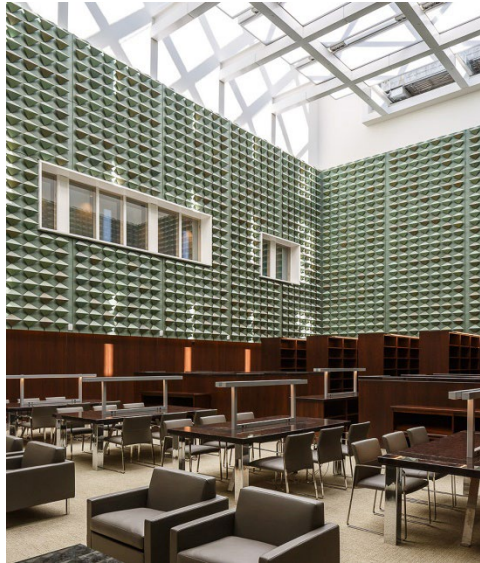


Plate 3.3: Salvaged copper roofing material used as acoustic wall treatment, Ottawa, Ontario

Display of Salvaged Materials

The display of salvaged materials in a publicly accessible location on the property provides a tangible connection with the previous use of the property. As previously stated, salvaged materials are often used in conjunction with interpretive panels (Plate 3.4). The interpretive display could be constructed from salvaged materials or could include a key visual element that relates the interpretive material to the tangible history of the site.



Plate 3.4: Display of salvaged material from Blackfriars Bridge, London, Ontario

Historical Markers

Historical markers can be used to delineate the boundaries of former buildings or components of former structures. This can be achieved by placing markers in the ground around the former footprint of a building or placing markers around defining former features. To delineate these boundaries, salvaged materials from the previous structure, such as brick, stone, or other durable materials, may be used. Historical markers are often incorporated into a proposed development and tend to be dependent on the type of development proposed. For example, the footprint of a former building may be depicted on the ground of a lobby in a new residential development.

3.4 Proposed Interpretation and Commemoration Approaches

The commemoration of the Parliament Oak School site should combine the identified themes, salvaged materials, and other elements and motifs associated with the site to create a Blended Commemoration Approach. A blended approach will combine elements of commemoration discussed in previous sections. The focus should be two-fold: salvage of appropriate materials before demolition and incorporation of these salvaged materials into the proposed redevelopment.

3.4.1 Salvaged Materials

The salvaged materials provide a direct and tangible link with the history of the property and provide an opportunity for commemoration. The Blended Commemoration Approach should be guided by using the salvaged materials as a physical and direct connection to the themes identified in Section 3.3.1. By using the salvaged materials to interpret the themes identified for the property, a Blended Commemoration Approach can be incorporated into future development at 325 King Street. It is recommended that the following approaches be completed for the salvaged materials at 325 King Street:

Table 3: Proposed Commemoration Approaches for Salvaged Materials

Salvaged Material	Proposed Commemoration Approach
Bas-relief panel (textual)	<u>Display of Salvaged Materials:</u> Based on the supplemental historic research identified in Section 2, it has been determined that the information and dates on the textual bas-relief panel is incorrect. Rather than reinstatement on the site, it is recommended that the textual bas-relief panel be donated to the Town of Niagara-on-the-Lake, Niagara-on-the-Lake Museum, or to a community group for display and appropriate interpretation in a museum-like or educational setting. Through its donation to an appropriate steward the history presented can be contextualized through modern interpretation.



Table 3: Proposed Commemoration Approaches for Salvaged Materials

Salvaged Material	Proposed Commemoration Approach
Bas-relief panel (graphic)	<u>Display of Salvaged Materials:</u> The bas-relief panel depicting the meeting of the first parliament in Niagara-on-the-Lake should be retained on site. It is recommended that the panel be installed on the commemoration wall in the proposed commemoration garden on the north side of the property (shown on Figure 2). The recommended layout of the salvaged materials in the commemoration area is shown in Plate 3.5
Stone incised oak tree panel	<u>Display of Salvaged Materials:</u> The stone incised oak tree panel should be retained on site. It is recommended that the panel be installed on the commemoration wall in the proposed commemoration garden on the north side of the property (shown on Figure 2). The recommended layout of the salvaged materials in the commemoration area is shown in Plate 3.5.
Parliament Oak School sign	<u>Display of Salvaged Materials:</u> The Parliament Oak School sign should be retained on site. It is recommended that the panel be installed on the commemoration wall in the proposed commemoration garden on the north side of the property (shown on Figure 2). The recommended layout of the salvaged materials in the commemoration area is shown in Plate 3.5. <u>Commemorative Plaque:</u> The salvaged Parliament Oak School sign should be accompanied by a plaque that commemorates the history of the former Parliament Oak School.
Parliament Oak School Bricks	<u>Adaptive Reuse of Salvaged Materials:</u> Prior to demolition of the 1948 Parliament Oak School structure, a representative number of bricks from the exterior of the structure should be salvaged and properly stored for reuse in the proposed commemoration area on the north side of the property (shown on Figure 2). The stones and bricks should be used in the construction of the commemorative wall and should follow a similar bond pattern and layout as was found on the Parliament Oak School structure. The bricks may be used to frame other salvaged materials, including the stone panels and the Parliament Oak School sign. The other salvaged materials identified above should be included in the construction of the commemorative

Table 3: Proposed Commemoration Approaches for Salvaged Materials

Salvaged Material	Proposed Commemoration Approach
	wall. The recommended layout of the salvaged materials in the commemoration area is shown in Plate 3.5.
Parliament Oak Stone Marker	<u>Display of Salvaged Materials:</u> The Parliament Oak Stone Marker to commemorate the Underground Railroad will be temporarily removed during construction and reinstated in its original location (shown on Figure 2). Additional details regarding temporary removal and storage are contained in a Documentation and Salvage Plan prepared under separate cover. <u>Interpretive Panels:</u> The reinstatement of the Parliament Oak Stone Marker should be supplemented using an interpretive panel to create a more fulsome narrative.
Castellani Sculpture	<u>Display of Salvaged Materials:</u> The art installation to commemorate the Underground Railroad will be temporarily removed during construction. While previous versions of the Commemoration Plan recommended reinstatement in its original location, further review and refinement to the site plan suggest that this location could be potentially hazardous to pedestrians, as it would be located within an isolated area next to the main hotel driveway without sufficient public access and viewing space (shown on Figure 2). To enhance accessibility and improve public safety when viewing the monument, alternative locations on site should be discussed with the Town to identify a suitable location for reinstatement. Additional details regarding temporary removal and storage are contained in a Documentation and Salvage Plan prepared under separate cover. <u>Interpretive Panels:</u> The reinstatement of the art installation should be supplemented using an interpretive panel to create a fuller narrative.
1948 Time Capsule	<u>Display of Salvaged Materials:</u> The retrieval process of the time capsule should be fully documented and made available to the public. To commemorate Parliament Oak School, the time capsule should be opened by qualified persons with a background in artefact management or museum studies. It is recommended that the interpretive display be located in the lobby of the Parliament Oak Inn, if the interior conditions are appropriate for the display of artifacts. Depending on the nature of the artifacts contained within the time capsule, they may be better suited for display in environments with light and humidity levels that are appropriate to historic artifacts, such as a museum or archival centre. In this case, donation to the Town or local museum is encouraged. <u>Interpretive Panels:</u> The artefacts located within the time capsule should be included in an interpretive display, with development and long-term maintenance completed in consultation with the Niagara-on-the-Lake Museum.

Table 3: Proposed Commemoration Approaches for Salvaged Materials

Salvaged Material	Proposed Commemoration Approach
Town Survey Stone	<u>In-situ Retention:</u> The town survey stone will be kept <i>in situ</i> during construction (shown on Figure 2). Should temporary removal of the stone be required, a qualified Land Surveyor will be required to complete the work in accordance with the Criminal Code of Canada.



- ## Notes

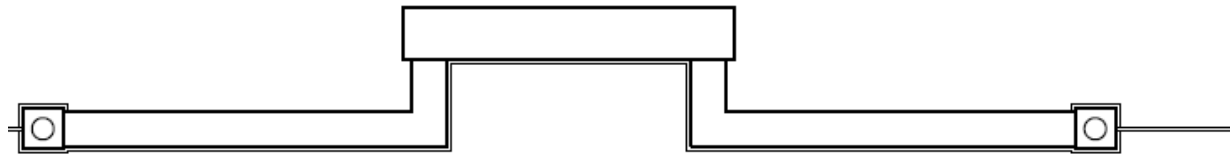
Project Location	160940942
Niagara-on-the-Lake,	Prepared by KB on 16-06-2023

Client/Project
TWO SISTERS PROPERTIES
PARLIAMENT OAK INN, 325 KING STREET
COMMEMORATION PLAN

Figure No.
2

Title

Proposed Commemoration Options



COMMEMORATION
WALL

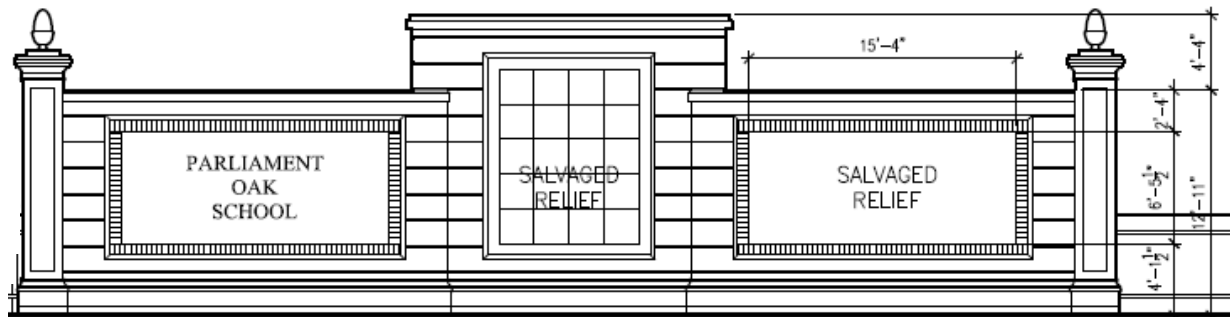


Plate 3.5: Proposed commemoration wall layout¹

¹ Shown for reference purposes. The intent is for the Commemoration Wall to front Regent Street with the proposed hotel structure behind such that the materials are accessible to the public from Regent Street.

3.4.2 Draft Commemorative and Interpretive Panels

As identified in Section 2, the Study Area has links to various historical periods and events. It is also located within the Town of Niagara-on-the-Lake's Downtown Heritage Character Area. In support of the proposed redevelopment of the site, interpretive material for use on commemorative panels have been included below which tie into the themes identified in Section 3.3.1. Draft text and images of a commemorative panel have been prepared using the best practices for interpretive writing, including clarity, simplicity of style, and brevity. In general, interpretive panels should be limited to 150-200 words to avoid fatiguing the reader (British Columbia Museum Association 2019; National Park Service 1960). In addition, any panel installed should be compliant with the *Accessibility for Ontarians with Disabilities Act* (AODA). The proposed text for the interpretive panels should be reviewed by Heritage Planning Staff and by the Municipal Heritage Committee.

3.4.2.1 Sample Interpretive Panel #1: John Graves Simcoe and the First Session of Parliament

Title: The Establishment of Upper Canada and its Parliament at Niagara-on-the-Lake

Content:

Upper Canada was established in 1791 when the Province of Quebec was divided into Upper Canada and Lower Canada. This division preserved French law and land use in Lower Canada and implemented British laws and customs in Upper Canada. This division was at the behest of United Empire Loyalists who migrated from the United States during the American Revolution. John Graves Simcoe, a British military veteran of the American Revolution, was selected as the first Lieutenant Governor of Upper Canada. He chose Niagara-on-the-Lake as a temporary capital for Upper Canada and renamed the small settlement Newark.

Simcoe arrived with his wife Elizabeth at Newark in July 1792 and began his administration. On September 17, 1792, the first session of the parliament of Upper Canada was held in Newark. The exact location of this parliamentary session remains unknown. Possible locations include Navy Hall, Butler's Barracks, a Freemasons' Hall, or a tent under an oak tree at the present-day location of 325 King Street. The name Parliament Oak originates from the possibility that parliament was held at this site. While the exact location of the first meeting of parliament remains unknown, it is generally acknowledged that most early parliamentary sessions were held at Navy Hall.

Word Count: 203

Associated Salvaged Materials: Bas-relief panel (graphic); Parliament Oak Stone Marker



3.4.2.2 Sample Interpretive Panel #2: The Underground Railroad terminus in the Niagara Region

Title: The Underground Railroad and Canada

Content:

Canada and the Niagara Region was an important destination for enslaved people in the United States seeking their freedom. In 1792, the second parliament of Upper Canada passed legislation limiting the practice of enslavement in the colony. Enslavement in Upper Canada and the British Empire was fully abolished in 1833. As a result, between the early 1800s and the end of the American Civil War in 1865, Canada was an important destination of the Underground Railroad.

The Underground Railroad was a covert network of assistance which helped enslaved people seek freedom mostly in the northern United States or Canada. In 1850, the United States Congress passed the *Fugitive Slave Act*, which made remaining in any part of the United States especially dangerous for individuals escaping enslavement. As a result, an estimated 15,000 to 20,000 freedom seekers entered Canada from the United States. The Niagara Region was an important destination for freedom seekers, and many completed their escape to freedom by crossing the International Suspension Bridge over the Niagara River. The noted abolitionist and former enslaved person Harriet Tubman personally led many groups of freedom seekers over the bridge.

Word Count: 188

Associated Salvaged Materials: Castellani art installation to commemorate the Underground Railroad

3.4.2.3 Sample Interpretive Panel #3: Parliament Oak School

Title: Parliament Oak School

Content:

Note: Additional content will be developed based on findings within the time capsule.

Word Count: N/A

Associated Salvaged Materials: 1948 Parliament Oak School time capsule



3.4.2.4 Sample Commemorative Plaque #1: Parliament Oak School

Title: Parliament Oak School, 1948

Content:

The Parliament Oak School was built on this site in 1948 during a time when Niagara-on-the-Lake and much of North America was experiencing a baby boom following the end of the Second World War. The Parliament Oak School replaced an aging and increasingly insufficient four room schoolhouse on Platoff Street built in 1859.

The Parliament Oak School was a single-storey structure designed by architect Lionel A. Hesson that was successively expanded as the educational needs of the community grew over the years. Hesson practiced mainly in the Niagara region and his other notable works include the former Merritton High School and the former Grantham Town Hall in St. Catharines. The school was built with art moderne design influence demonstrated through its rectangular and linear massing typical to civic buildings constructed before the 1950s. The school served the community of Niagara-on-the-Lake until its closure in 2015. The bricks and stones comprising this commemorative wall were originally part of the school prior to its demolition.

Word Count: 163

Associated Salvaged Materials: Parliament Oak School Sign; associated bricks

3.5 Implementation Schedule

3.5.1 Documentation and Salvage Plan

A Documentation and Salvage Plan for 325 King Street has been prepared under separate cover. The Documentation and Salvage Plan includes a complete documentation of the existing structure and its surroundings through photography, as well as the identification of materials worthy of salvage. A component specific salvage, storage, and reinstatement strategy is included for each component identified for salvage. The following sections provide an overview of the requirements of the Documentation and Salvage Plan.

Prior to Demolition

Prior to the start of any demolition activities, the contractor should review the *Heritage Impact Assessment: Parliament Oak Inn, 325 King Street, Niagara-on-the-Lake* prepared by Stantec dated February 3, 2023. The contractor shall clearly denote the materials identified for salvage. Instructions should be provided to the demolition contractor that these identified materials are to be retained for future use. If specialists are required to extract any of materials identified for salvage (i.e. a heritage mason for the removal of the bas-relief panels), arrangements should be made for the removal of these materials prior to the start of demolition. If some identified materials cannot be removed until demolition is underway, a strategy should be completed to outline the removal process to mitigate potential damage to materials identified for salvage.



During Demolition

The materials identified for salvage should be carefully removed and placed in a location pre-specified for the salvaged materials. Prior to the completion of demolition, a representative should confirm that all the materials identified for salvage have been successfully removed. If a material could not be feasibly salvaged, an explanation as to why this was not feasible should be provided. When the successful salvage of materials is complete, an addendum should be completed to summarize the results of salvage activities and amended to the Commemoration Plan.

Post Demolition and Interim Period

The salvaged materials should be transferred to a secure location to be stored. At the secure location the materials should be inventoried to confirm all the successfully salvaged materials have arrived at the designated storage location. During the interim period between the completion of demolition activities and the design and construction of the new building, the salvaged materials should be regularly inspected and cross-referenced with the initial inventory to confirm that no materials are missing or damaged.

3.5.2 Design and Construction of New Building and Site Features

The design of a new building and site features should include and consider the location, size, and layout of the potential commemorative approaches. While the design process is underway, commemorative text and other interpretive material should be developed and finalized. The commemorative materials and salvaged materials should be installed as soon as safely possible while the construction process is underway or nearing completion.

4 Recommendations

4.1 Salvage and Storage of Materials

The following materials have been identified for salvage:

- The two bas-relief panels designed by John B. Shawe located on the south elevations
- The third 120 inch by 96 inch large format stone incised oak tree panel, located on the east elevation of the 1976 gymnasium addition.
- The 1915 Parliament Oak stone tree-marker that details the site's association with the first Parliament of Upper Canada
- The Castellani art installation to commemorate the Underground Railroad
- Town Survey Stone
- Materials associated with the Parliament Oak School including, but not limited to:
 - Bricks and stones from the 1948 school building
 - Concrete or stone Parliament Oak School sign
 - 1948 Parliament Oak School time capsule

Through the selective salvage of identified heritage attributes and other materials, the cultural heritage value of a property can be retained, if in a different context. Salvage acknowledges the heritage attributes in their current context and, where feasible, allows for reuse. Salvage activities should consist of the recovery and re-use of the above materials, where feasible. The salvaged materials should be inventoried and documented prior to being placed in storage. Until the salvaged materials are incorporated into a new development, they should be stored in a secure location. Where one of the recommended items for salvage is determined to not be salvageable, it should be photographed for use in commemorative activities associated with future development of the site.

4.2 Blended Commemoration Approach

The preferred approach to commemorating the former Parliament Oak School and site will be a blended approach. The focus should be two-fold: salvage of appropriate materials before demolition and then incorporation of these salvaged materials into the proposed redevelopment. These materials should be interpreted for the public through commemorative panels and other similar interpretive material. The salvaged bas-relief panel, tree panel, and Parliament Oak school name panel should be installed in the landscaped feature area of the north garden, using salvaged bricks and stone from the former school. The time capsule should be displayed within the hotel lobby, or donated to the Town or Niagara-on-the-Lake Museum.



4.3 Additional Recommendations

The content of commemorative features can be further refined during the site plan process so that commemoration can be fully integrated within the new development. The following are additional items that need to be considered for the commemoration features:

- All interpretive materials must comply with AODA requirements and be accessible to the public.
- Interpretive materials should conform with the CPTED principles and be designed and sited to reduce potential for vandalism and located within area of high surveillance.
- Commemorative material may be integrated with landscaping features and plantings. Landscape plans should be reviewed by a Heritage Specialist prior to implementation so that proposed landscaping treatments are appropriate and do not obscure or damage commemorative elements.

5 Closure

The conclusions in the Report are Stantec's professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the document was published and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk.

Stantec has assumed all information received from the Client and third parties in the preparation of the Report to be correct. While Stantec has exercised a customary level of judgment or due diligence in the use of such information, Stantec assumes no responsibility for the consequences of any error or omission contained therein.

This Report is intended solely for use by the Client in accordance with Stantec's contract with the Client. While the Report may be provided to applicable authorities having jurisdiction and others for whom the Client is responsible, Stantec does not warrant the services to any third party. The report may not be relied upon by any other party without the express written consent of Stantec, which may be withheld at Stantec's discretion.



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September 11, 2024

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March 30, 2023.



Appendix A Heritage Easement Agreement



HERITAGE EASEMENT AGREEMENT

BETWEEN:

TWO SISTERS RESORTS

CORP.

the "Owner")

(hereinafter referred to as

and

THE CORPORATION OF THE TOWN OF

NIAGARA-ON-THE-LAKE

(hereinafter referred to as

the "Town")

WHEREAS:

Two Sisters Resorts Corp. is the registered owner of the lands and premises municipally known as 325 King Street, Niagara-on-the-Lake which is legally described as PIN 46399-0361(LT) Lots 149, 150, 191, 192 TP Plan 86 Niagara, Part 1 30R-15804 (the "Property");

In accordance with Section 37(1) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 the Town is entitled to enter into agreements, covenants and easements with owners of real property for the conservation, protection and preservation of heritage in Ontario;

Sections 37(2) and 37(3) of the *Ontario Heritage Act* provide that such covenants and easements entered into by the Town, when registered in the Land Registry Office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the Town or its assignee against the owner or any subsequent owners of the real property even where the Town owns no other land which would be accommodated or benefited by such covenants and easements;

The Owner and the Town desire to conserve certain heritage resources at the Property as set out in this Agreement and the Schedules thereto;

The Owner is entering into this Agreement voluntarily and in good faith to ensure the preservation and protection of the heritage resources identified herein;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the sum of ONE DOLLAR (\$1.00) of the lawful money of Canada now paid by the Town to the Owner (the receipt and sufficiency of which is hereby acknowledged) and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner and the Town mutually agree to abide by the following covenants, easements and restrictions which shall run with the Property in accordance with the terms set out herein.

RECITALS AND SCHEDULES

1.1 The recitals are true and accurate.

1.2 The Schedule forms part of this Agreement.

1.3 This Agreement shall be binding upon the Property until such time as the Site Plan Agreement for the development of the Property is registered on title, at which time this Agreement shall be released by the Town and the easement removed from title.

ITEMS OF HERITAGE VALUE OR INTEREST

2.1 The Owner and the Town agree that the approach to heritage conservation and items of heritage value or interest at the Property which are to be conserved and used for commemoration on the Property have been identified through the Heritage Impact Assessment prepared by Stantec dated June 23, 2023 (the "HIA") and within the Commemoration Plan prepared by Stantec dated June 23, 2023 (the "Commemoration Plan") (collectively referred to as the "Stantec Reports") and through the development review process for the Property.

- 2.2 The items of heritage value or interest on the Property which are to be salvaged and conserved are set out in Schedule "A" to this Agreement.
- 2.3 The Owner and the Town acknowledge and agree that the Commemoration Plan will be subject to further review as part of the Site Plan approval process for the Property, which may result in changes to the Commemoration Plan.
- 2.4 The Owner agrees to implement the proposed commemorative approaches for the items of heritage value or interest identified in the Stantec Reports in Schedule "A", subject to any amendments which may be agreed to by the Town and the Owner during the Site Plan approval process acting cooperatively and in good faith, as part of the implementation of the Site Plan for the Property..
- 2.5 The Owner agrees that that any of the items of heritage value or interest as set out in Schedule "A" that are not reused within any new development will be donated to the Town.

USE OF PROPERTY

- 3.1 The Owner expressly reserves for themselves, their representatives, administrators, successors and assigns the right to continue to use the Property for all purposes not inconsistent with this Agreement and in accordance with the approved zoning.
- 3.2 The Town acknowledges that the Owner may remove the items of heritage value or interest from the Property identified in Schedule "A" and safely store them off-site, and advise the Town of the location off-site, or may store them on site and away from construction activities, until such time as the Commemoration Plan is implemented as part of the Site Plan Agreement.
- 3.3 The Town further acknowledges that a demolition permit will be released on October 1, 2023 and that the Owner intends to demolish the former school building on the Property once the items of heritage value have been removed or provision has been made for their preservation *in-situ*.

CONSERVATION PRINCIPLES

- 4.1 It is the purpose of this Agreement to ensure that the items of heritage value or interest at the Property as identified in Schedule "A" will be conserved in perpetuity as part of the heritage conservation objectives of the Town. To achieve this purpose the Owner agrees with the Town that these items shall be retained and conserved by the Owner and safely stored in accordance with the recommendations within the Documentation and Salvage report prepared by Stantec (dated August 2, 2023), as well as recognized heritage conservation principles and practices so that no change shall be made to these items which will adversely affect the heritage value or interest thereof.
- 4.2 The Owner agrees that in carrying out its responsibilities under this Agreement that it shall, where applicable, be guided by and apply recognized heritage conservation principles, practices and legislation.
- 4.3 The Town shall be entitled to inspect the items of heritage value or interest at the location where they are stored by the Owner upon provision of 72 hours prior written notice to the Owner or its legal representative. Where the Town, acting reasonably, determines that these items have been damaged in storage or are at risk of damage, the Town shall provide written notice to the Owner outlining the areas of concern and the Owner shall take all necessary steps to remedy the damage or to prevent it from occurring.
- 4.4 The Owner shall notify the Town within five (5) days of any damage to the items of heritage value or interest being discovered and the Owner agrees to repair any damaged items in accordance with plans approved by the Town. The Owner agrees that it shall within thirty days of the damage being discovered submit a plan to the Town setting out the proposed repairs for the approval of the Director of Community and Development Services.

NOTICE

- 5.1 Notices to the Parties shall be delivered by mail or by email to the addresses set out below:

The Corporation of the Town of Niagara-on-the-Lake
1593 Four Mile Creek Road

PO Box 100,
Virgil, ON L0S

Attention: Director of Community and Development Services

Email: kirsten.mccauley@notl.com

Two Sisters Resorts Corp.

122 Romina Drive

Concord ON L3K 4Z7

Attention: Giuseppe Paolicelli

Email: giuseppe@solmar.ca

- 5.2 The Town and the Owner agree to notify the other immediately, in writing, of any changes to the addresses or email addresses set out above.

IN WITNESS WHEREOF the parties hereto have executed this Agreement this 5th day of October 2023.

Corp.

Two Sisters Resorts

Per:

Giuseppe Paolicelli - I have authority to bind the Corporation.

The Corporation of the Town of

Niagara-on-the-Lake

Per:

Kirsten McCauley – Director of
Community and Development Services
I have authority to bind the Town.

SCHEDULE "A"

Items of heritage value or interest to be salvaged and conserved:

1. Two bas-relief panels by John B. Shawe (from 1948 school building)
2. Stone incised oak tree panel (from 1976 school addition)
3. Parliament Oak School sign (from 1948 school building)
4. Some Buff Bricks (from 1948 school building)
5. 'Parliament Oak' stone tree marker
6. Castellani Sculpture
7. 1948 Time Capsule and 1947 Cornerstone
8. Town Boundary Stone #13
9. Mature red oak #28

Note: The Reference Numbers in items 8 and 9 and the items listed above are as identified in the Heritage Impact Assessment prepared by Stantec dated June 23, 2023.