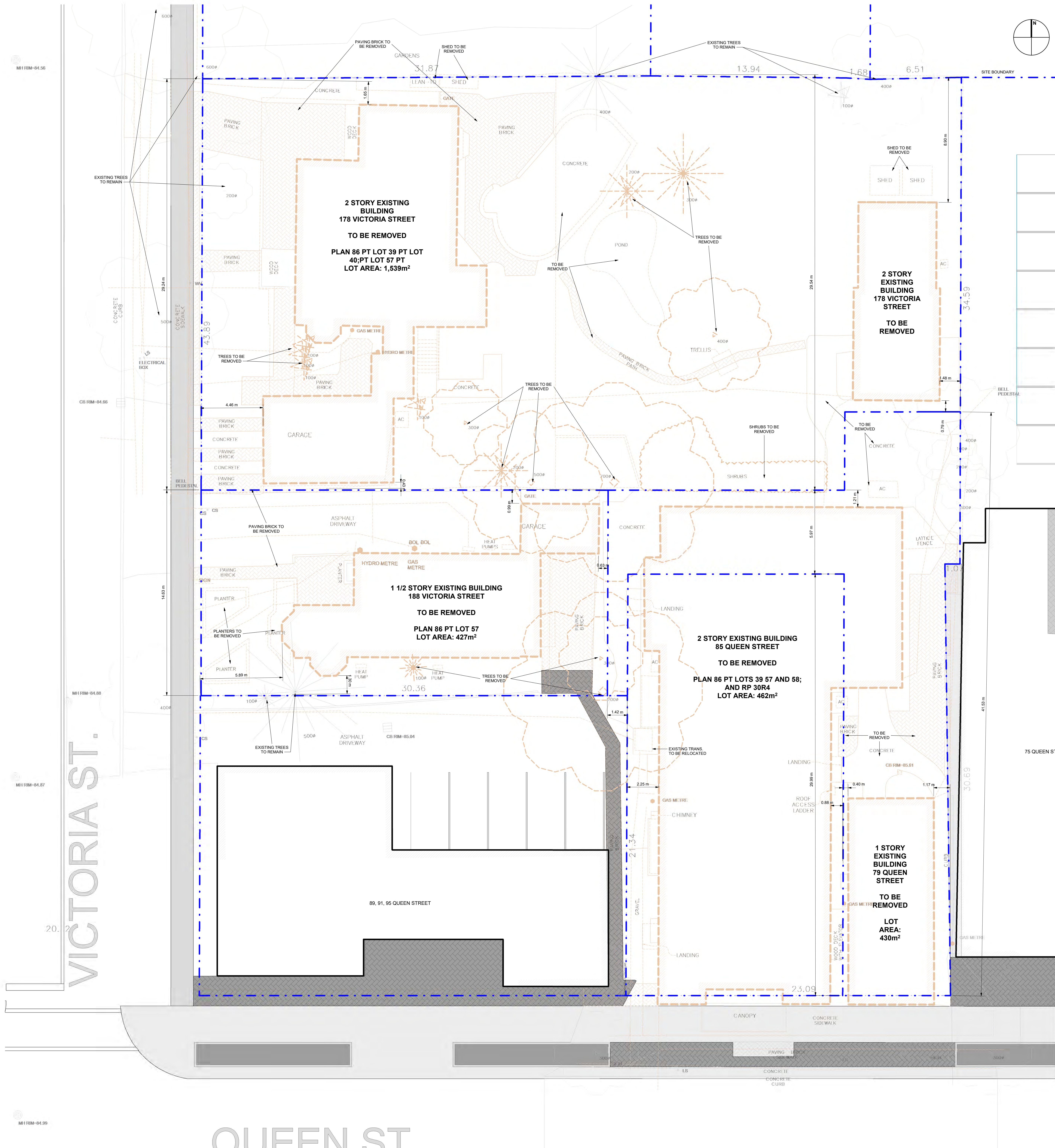


Part Five (of Six)



CULTURAL HERITAGE IMPACT ASSESSMENT

Town of Niagara-on-the-Lake | Royal George Theatre



TO BE REMOVED

SITE BOUNDARY
EXTENT OF REMOVAL

ISSUE / REVISIONS		
1	HERITAGE PRECONSULT	23.10.04
2	ISSUED FOR RE-ZONING	MAY 20.25

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**CONSTRUCTION
DOCUMENTATION**
PROJECT No. 22-140
START DATE JAN. 2023

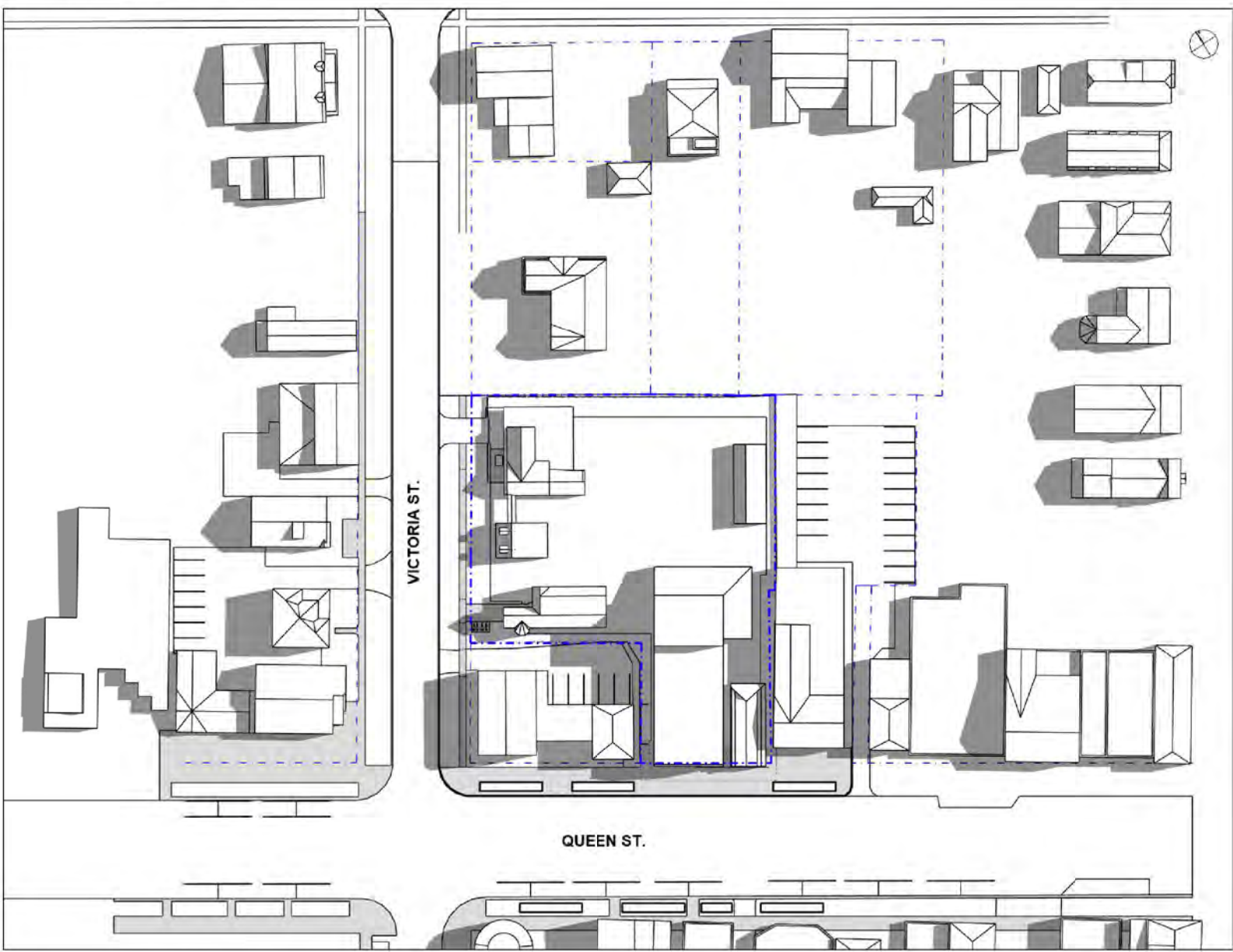
**SHAW FESTIVAL
NEW ROYAL GEORGE
THEATRE**

Address:
Niagara on the Lake ON

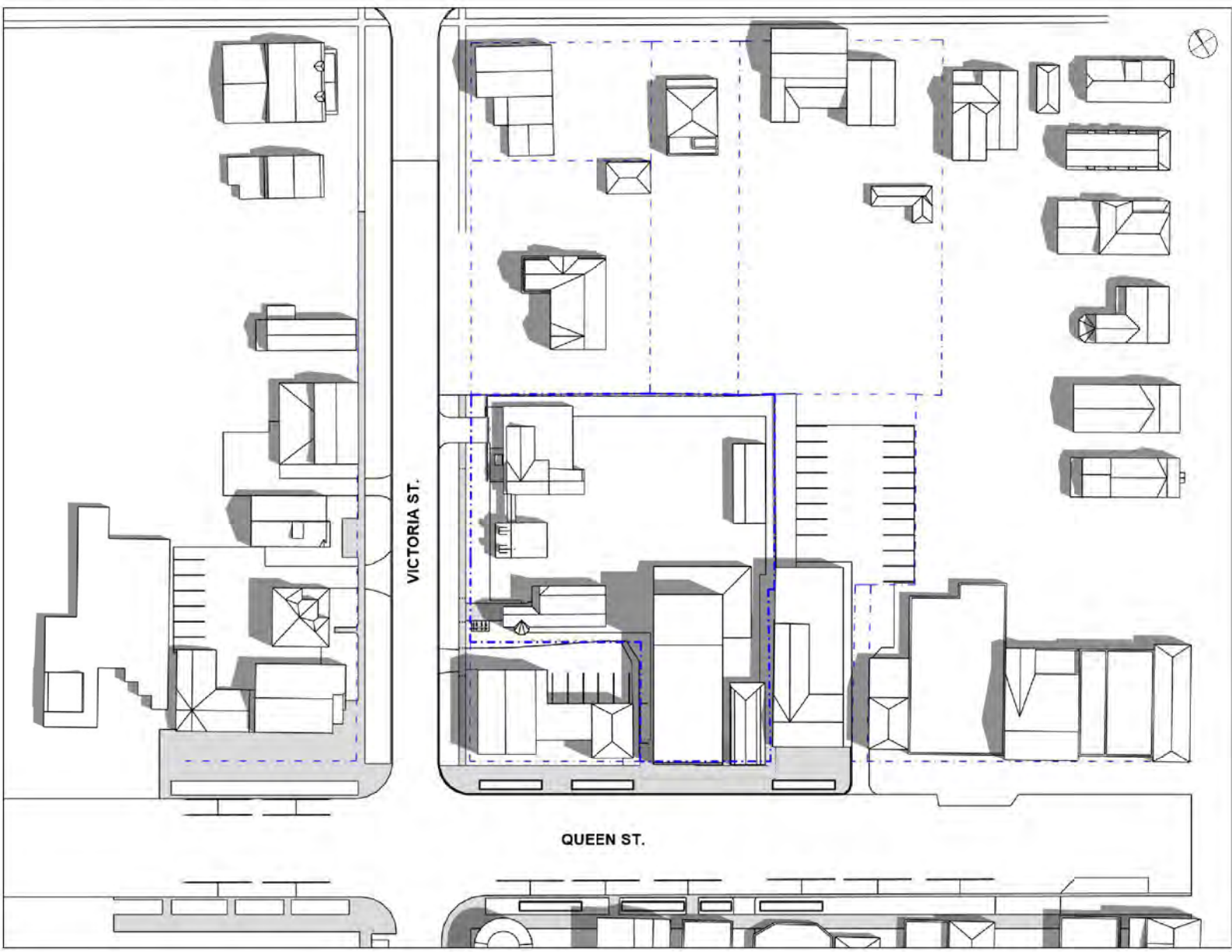
**SITE PLAN - EXISTING
& REMOVALS**

AS-102

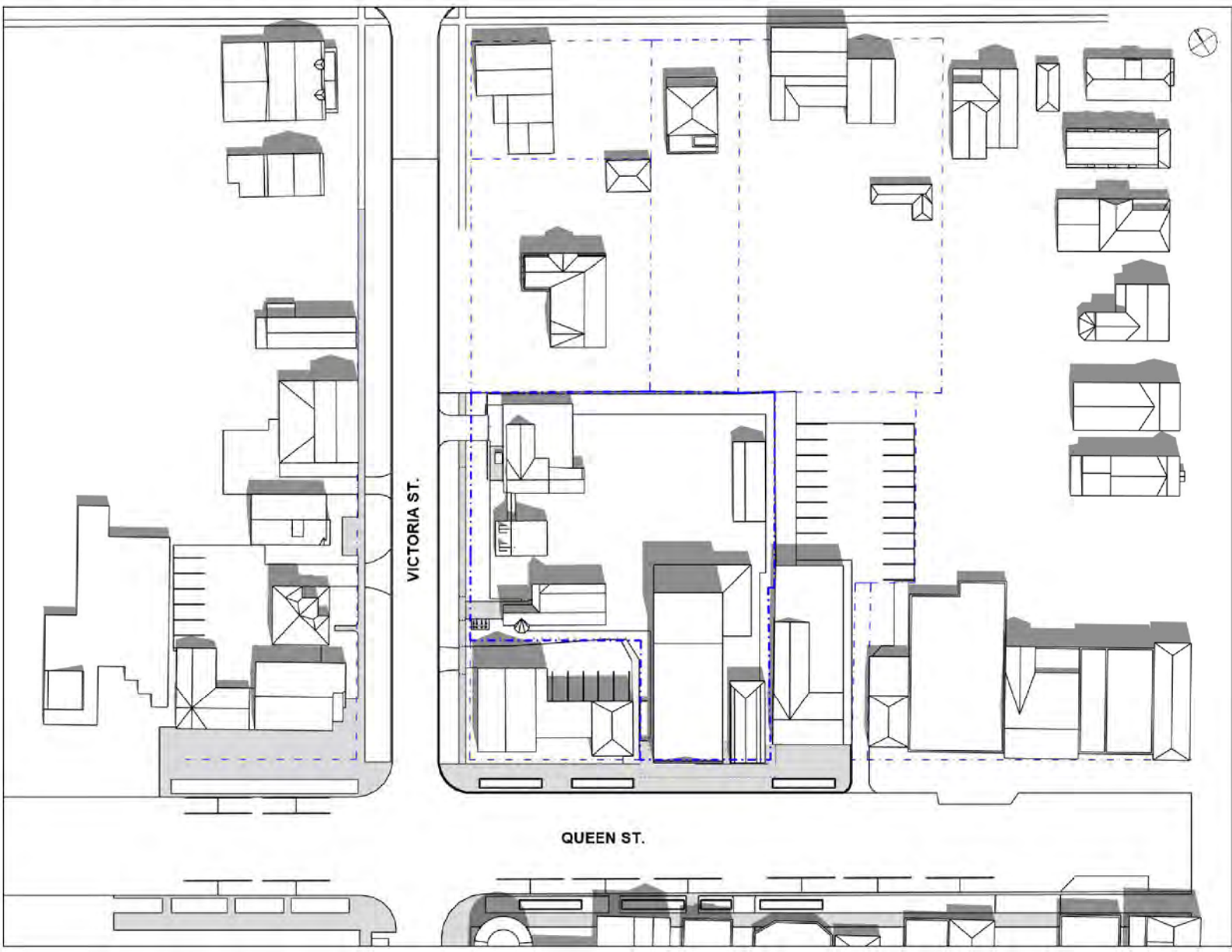
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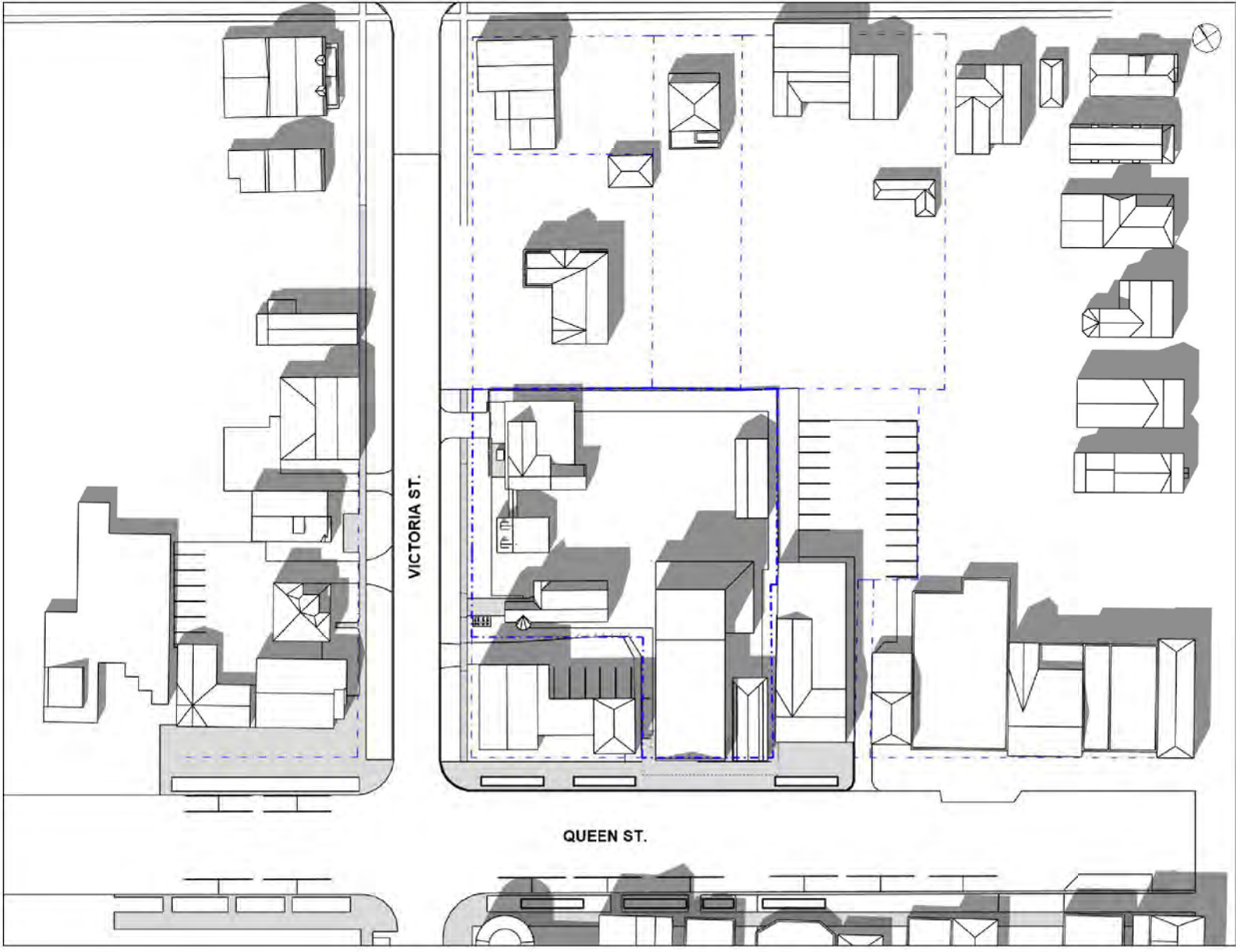
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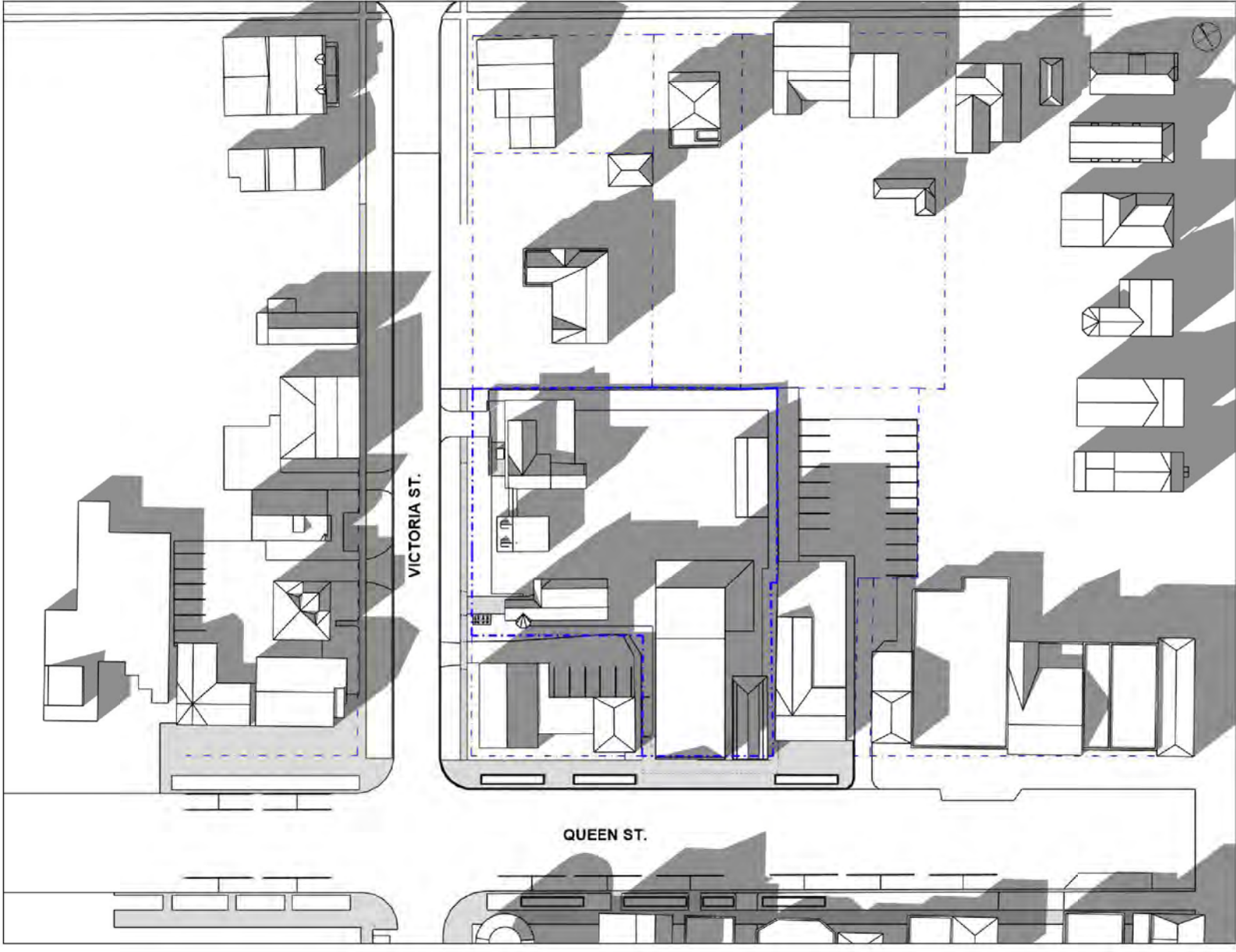
[5 of 9] [April 21, 2023 - 14:00]



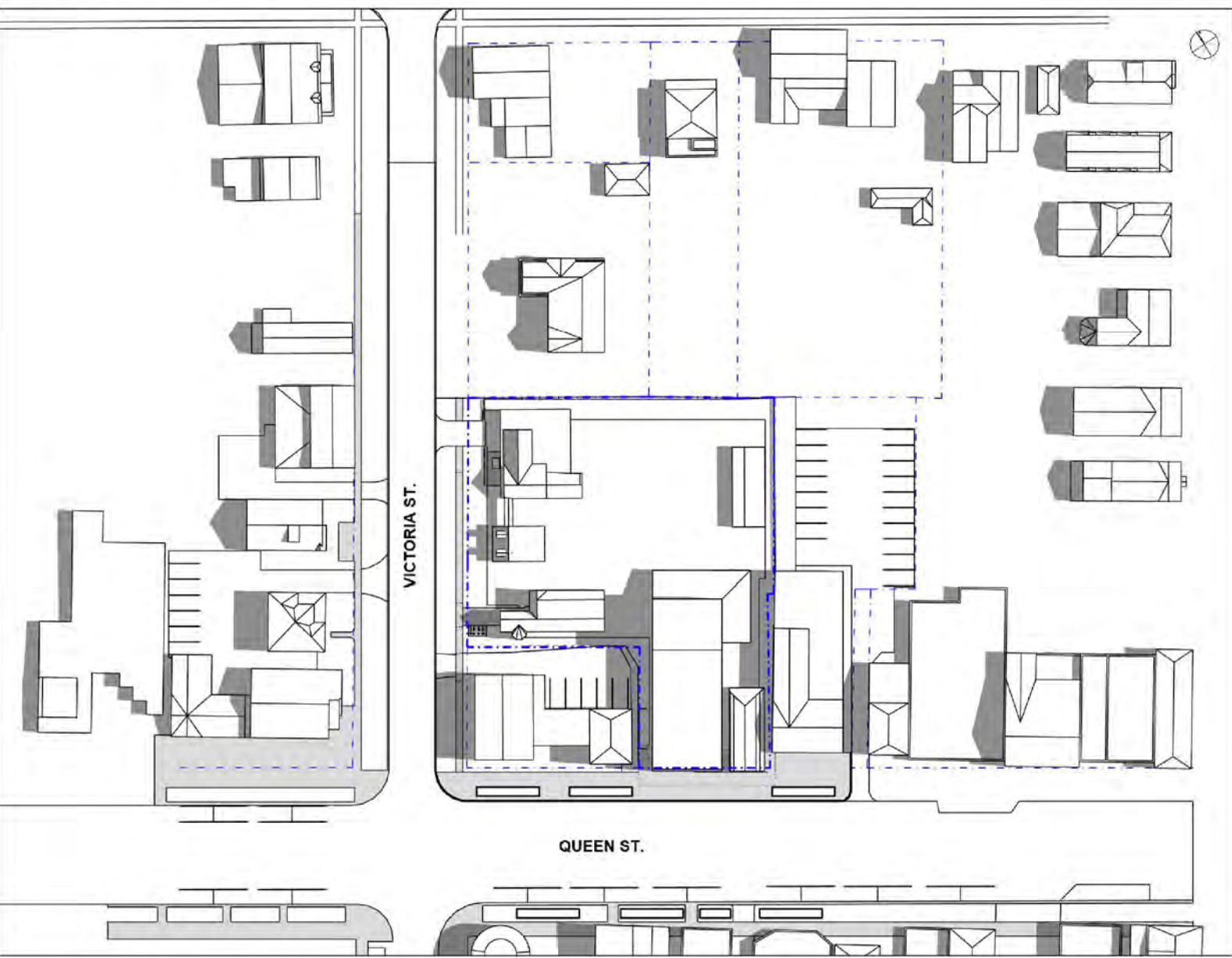
[7 of 9] [April 21, 2023 - 16:00]



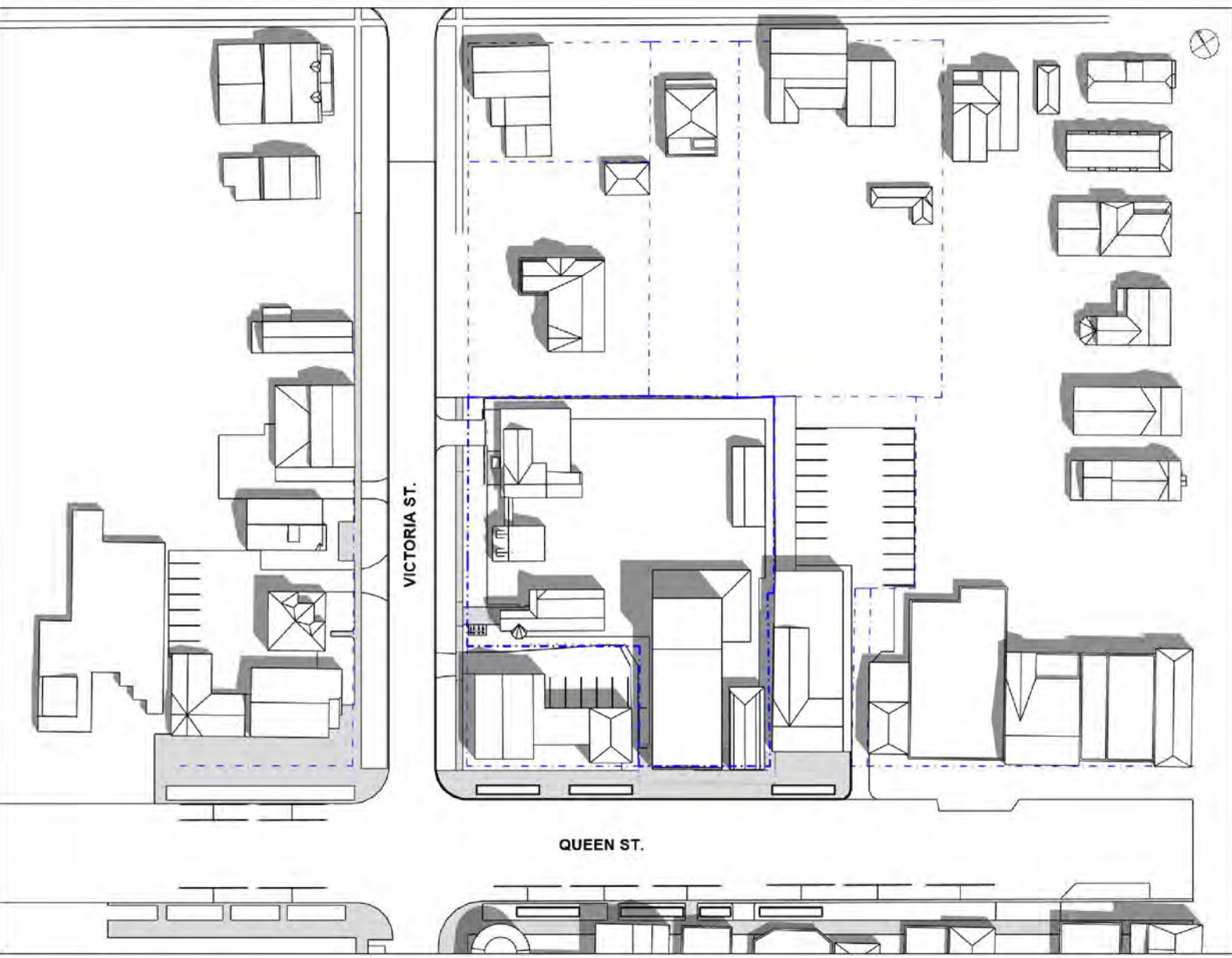
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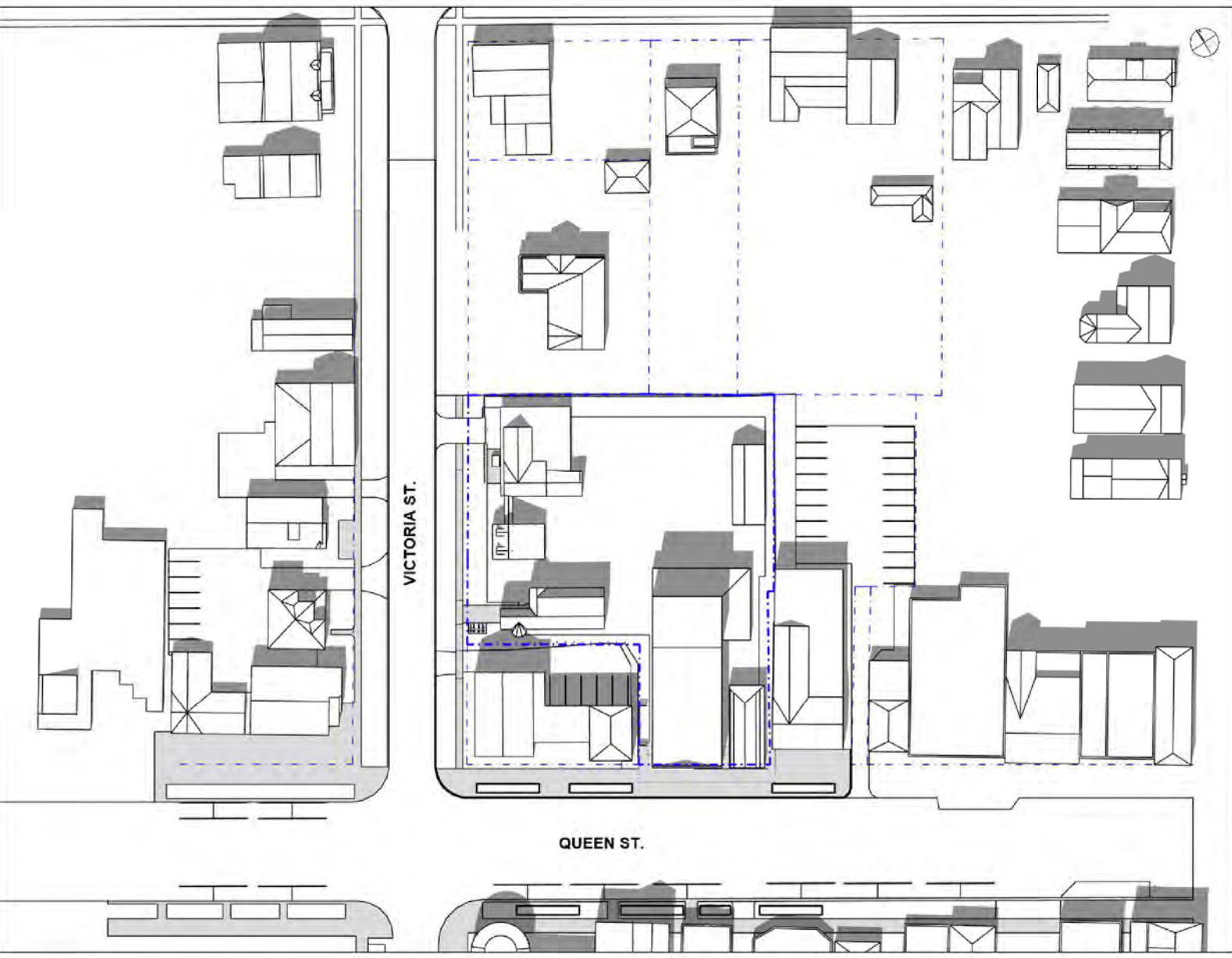
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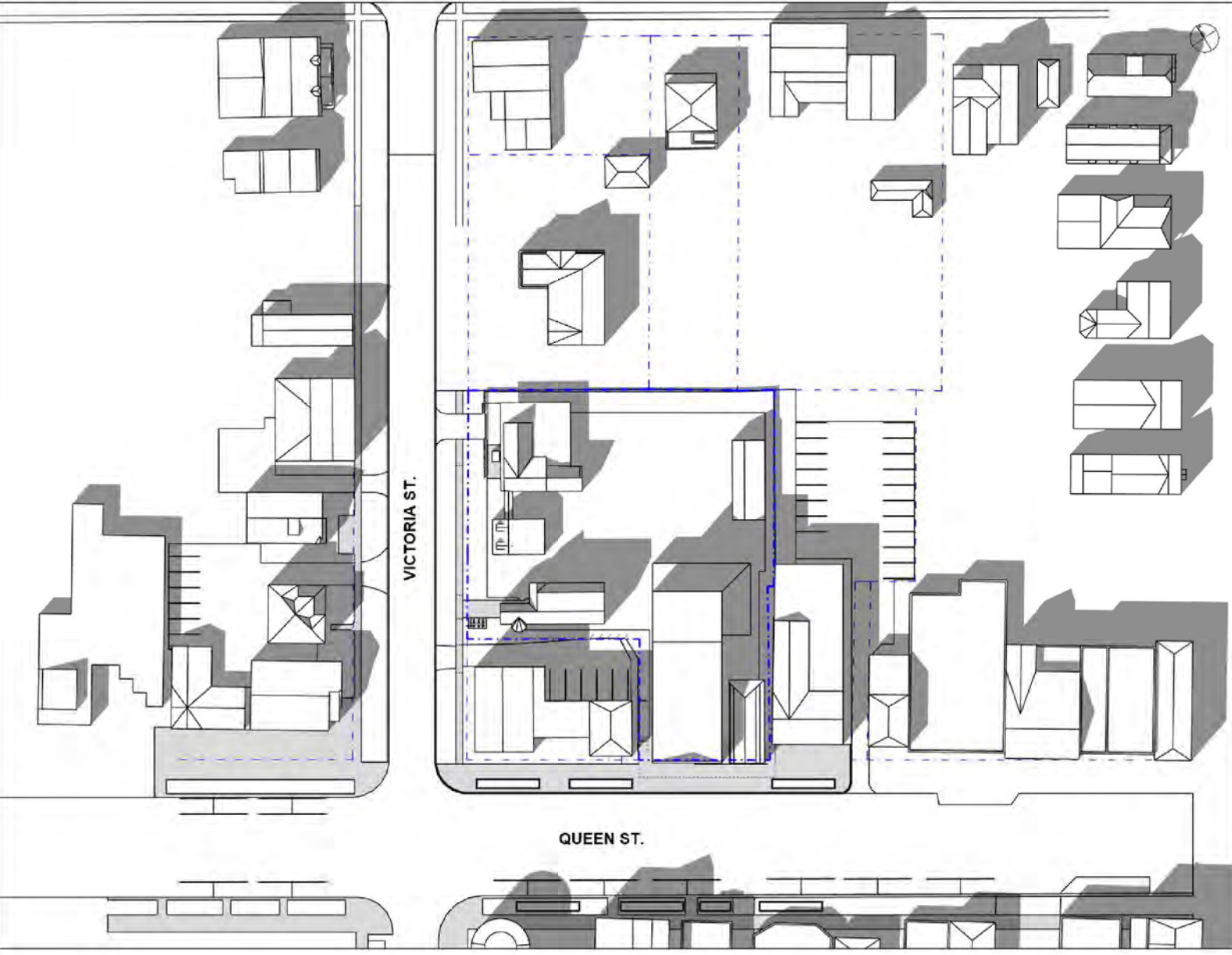
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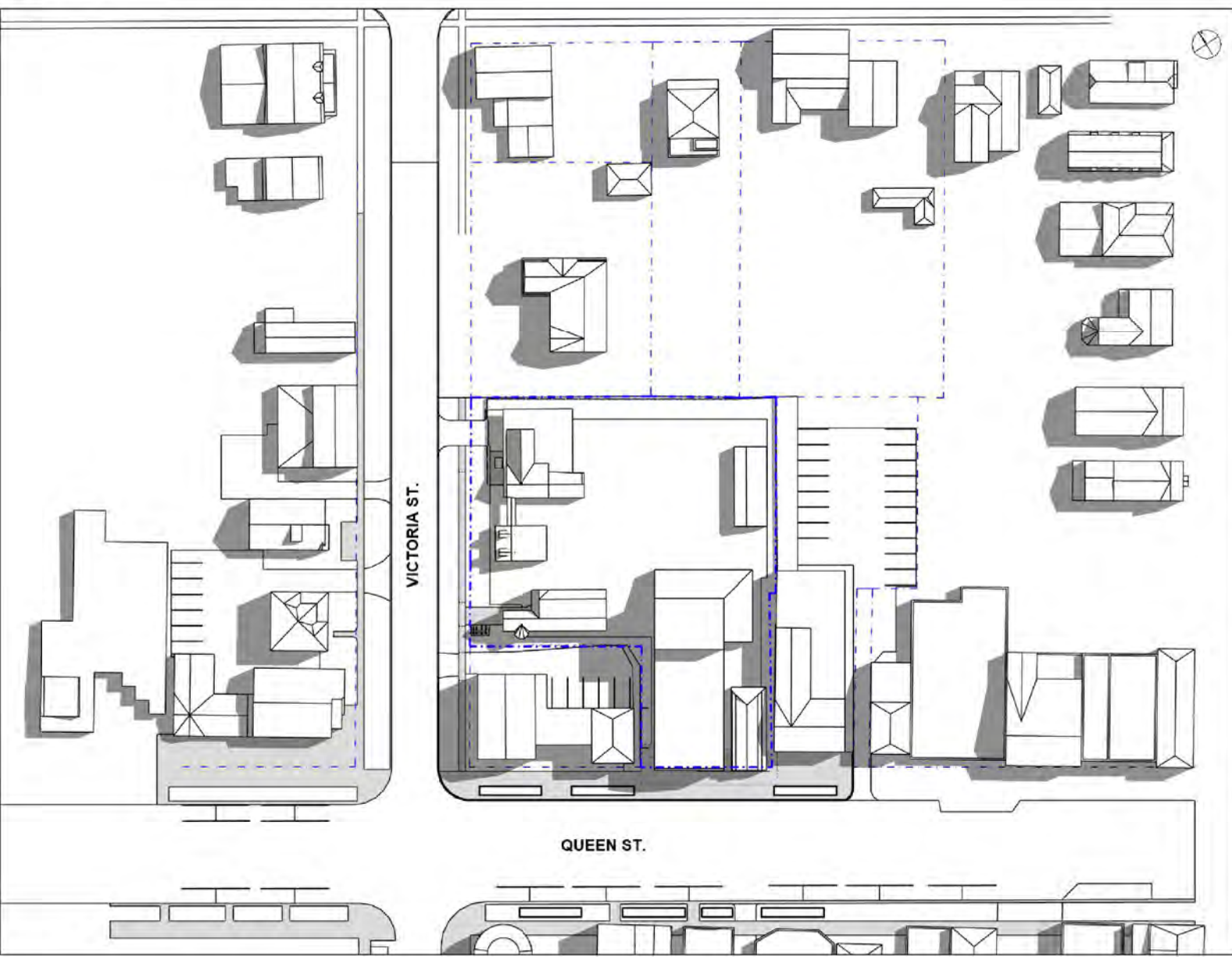
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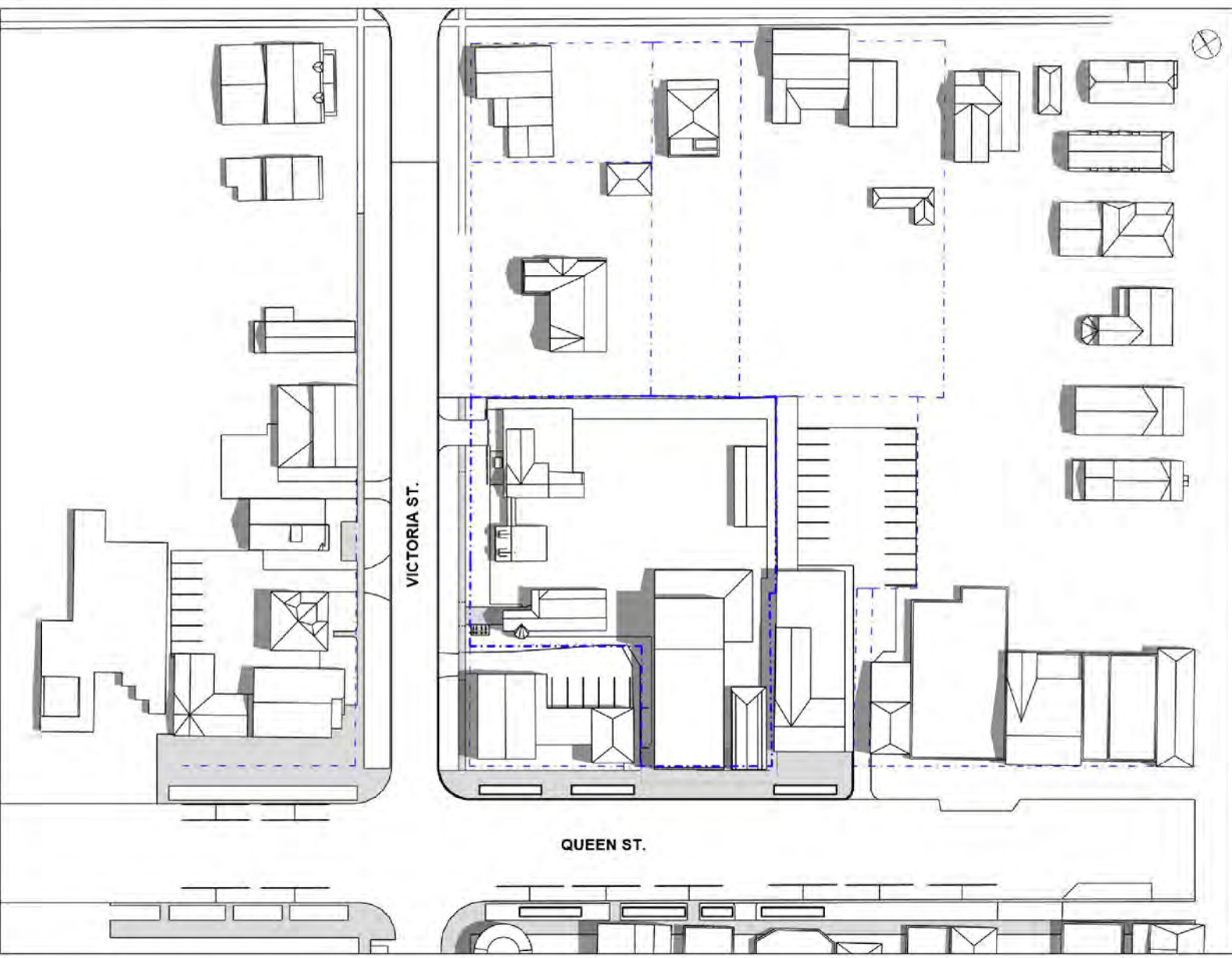
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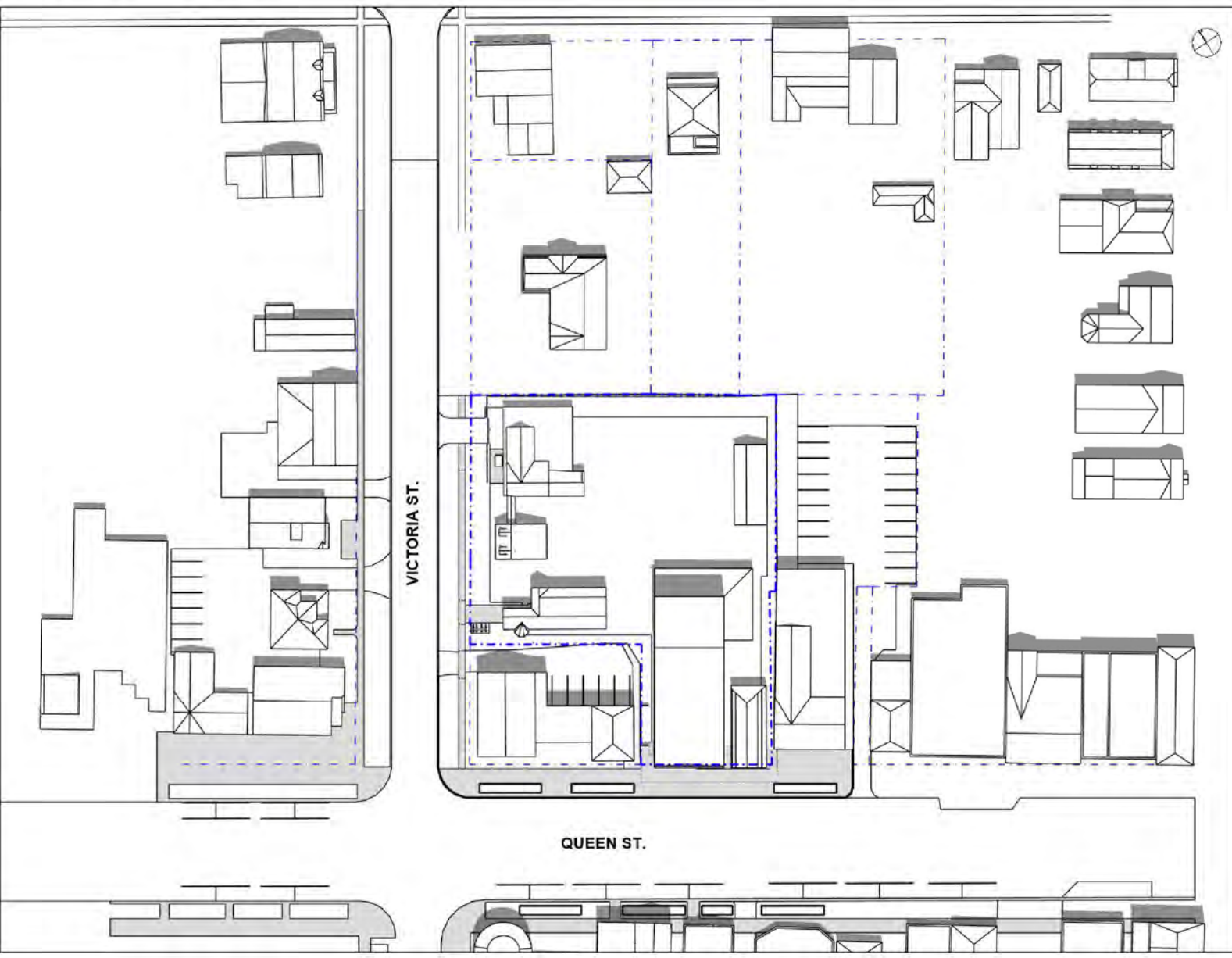
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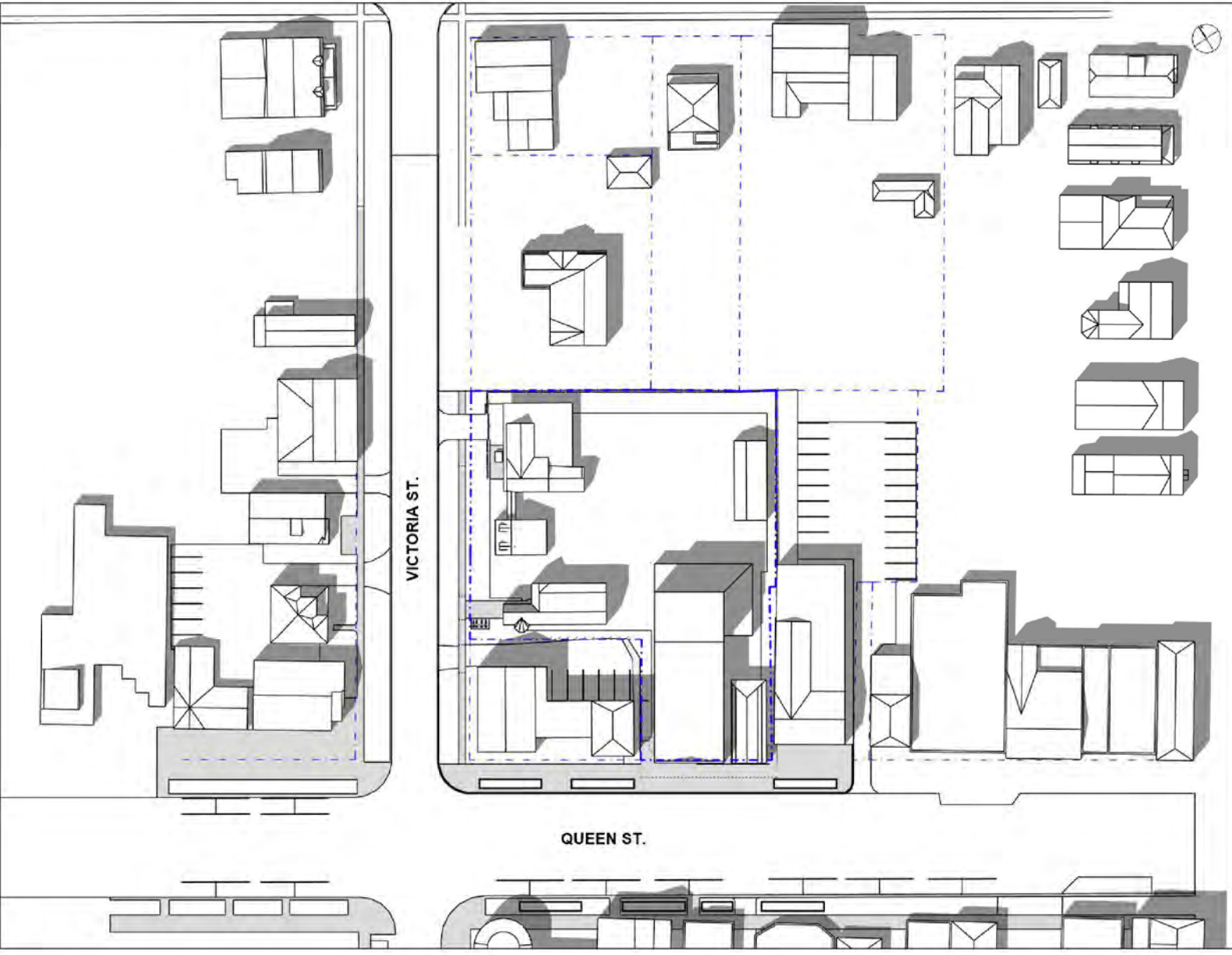
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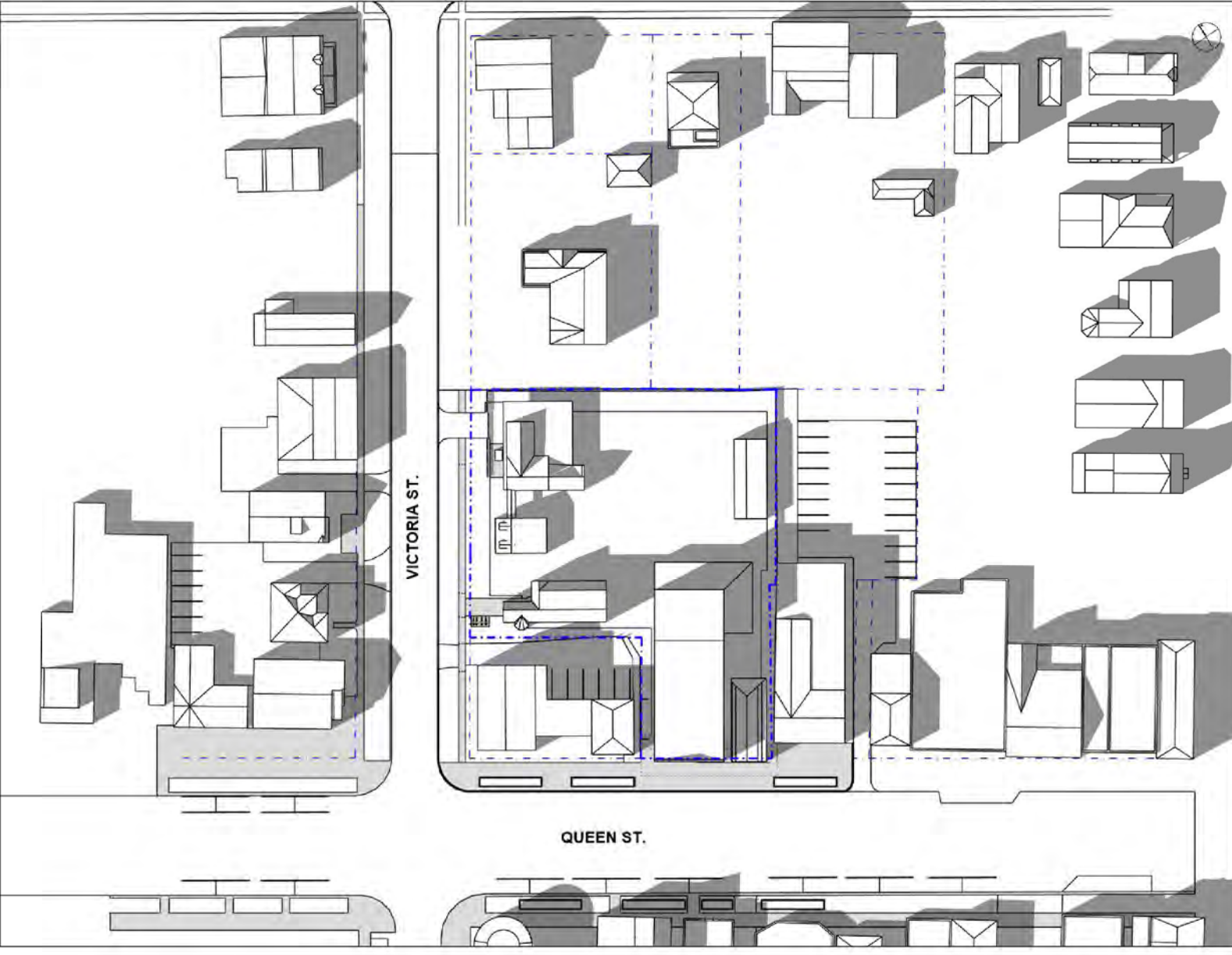
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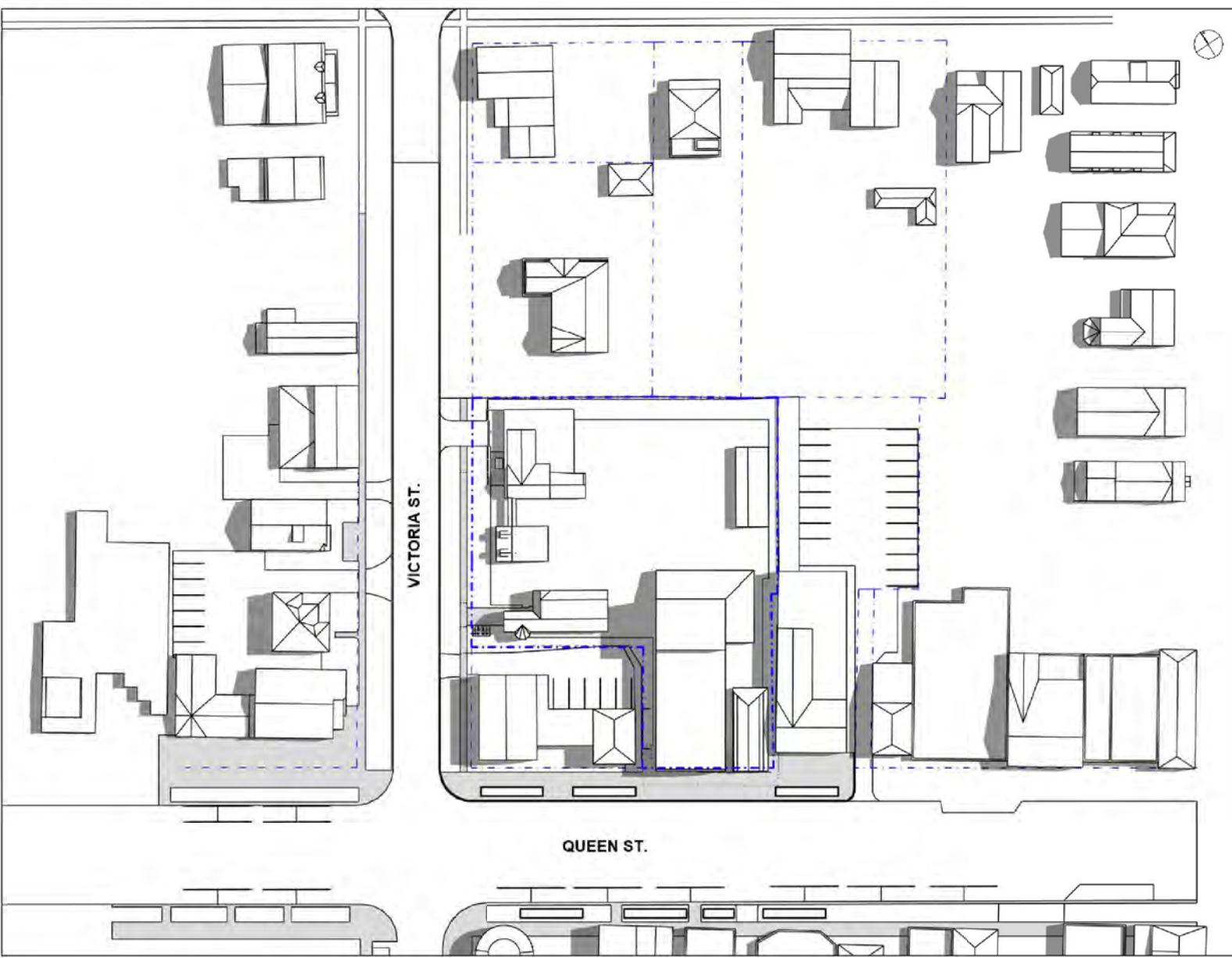
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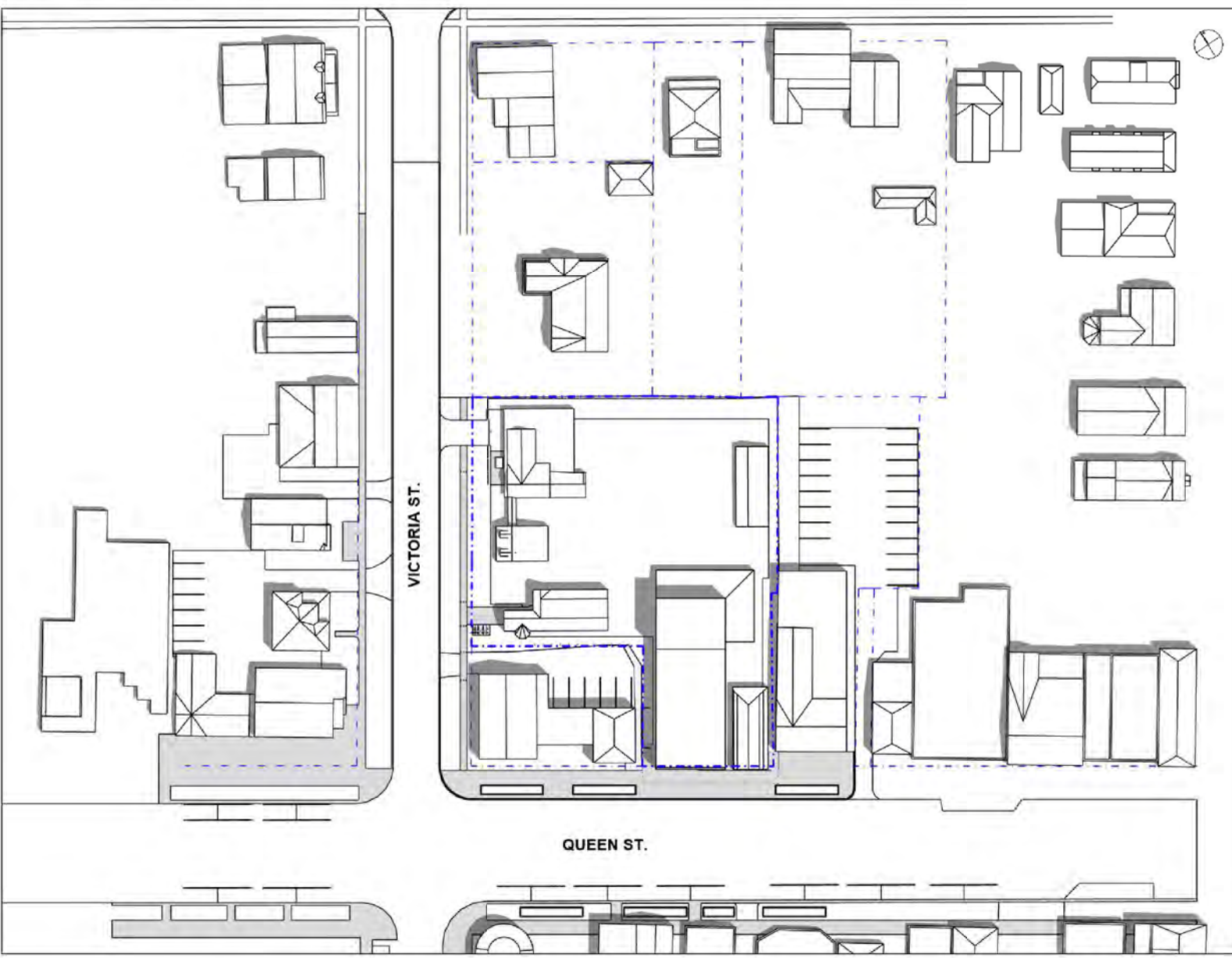
[9 of 9] [June 21, 2023 - 18:00]



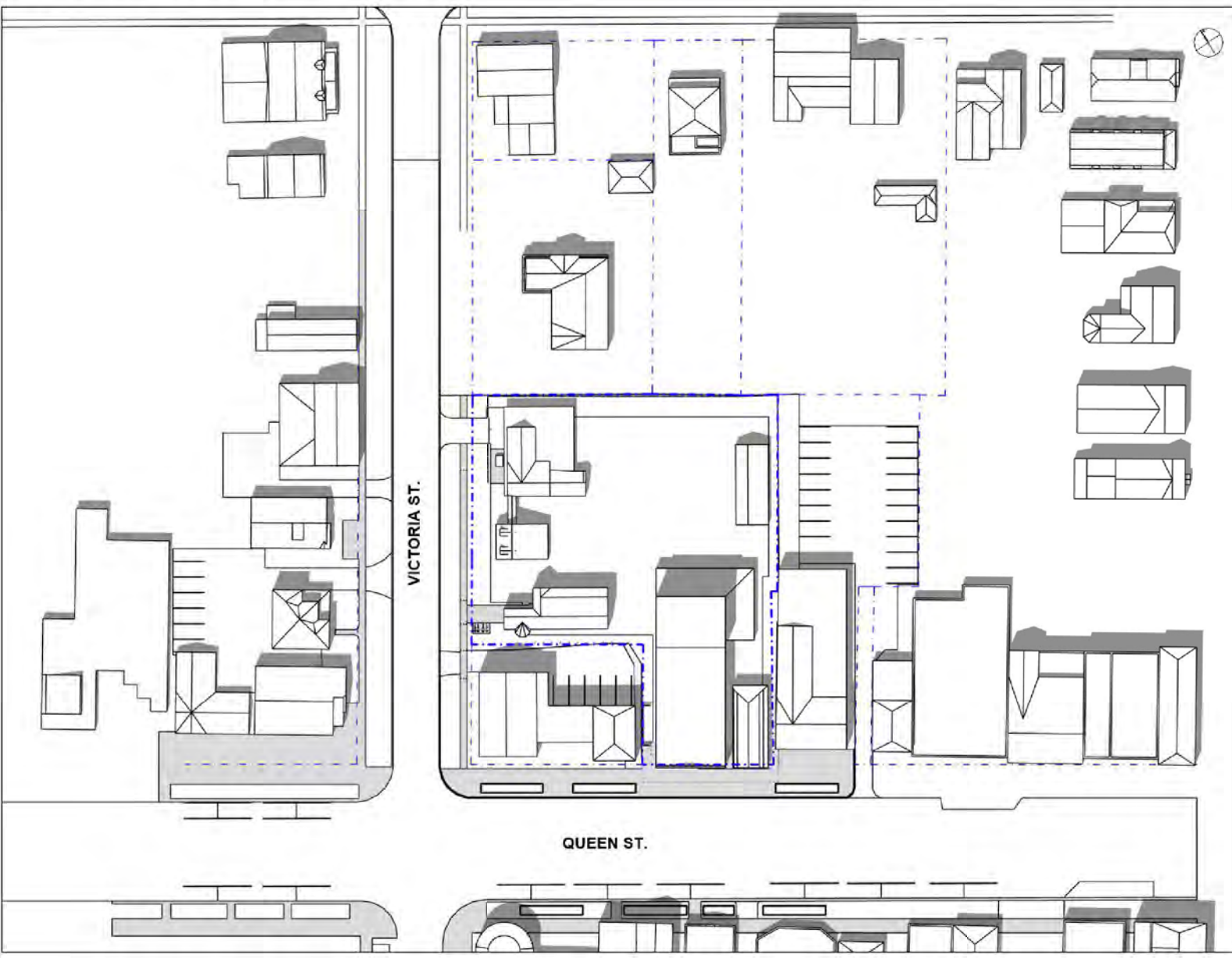
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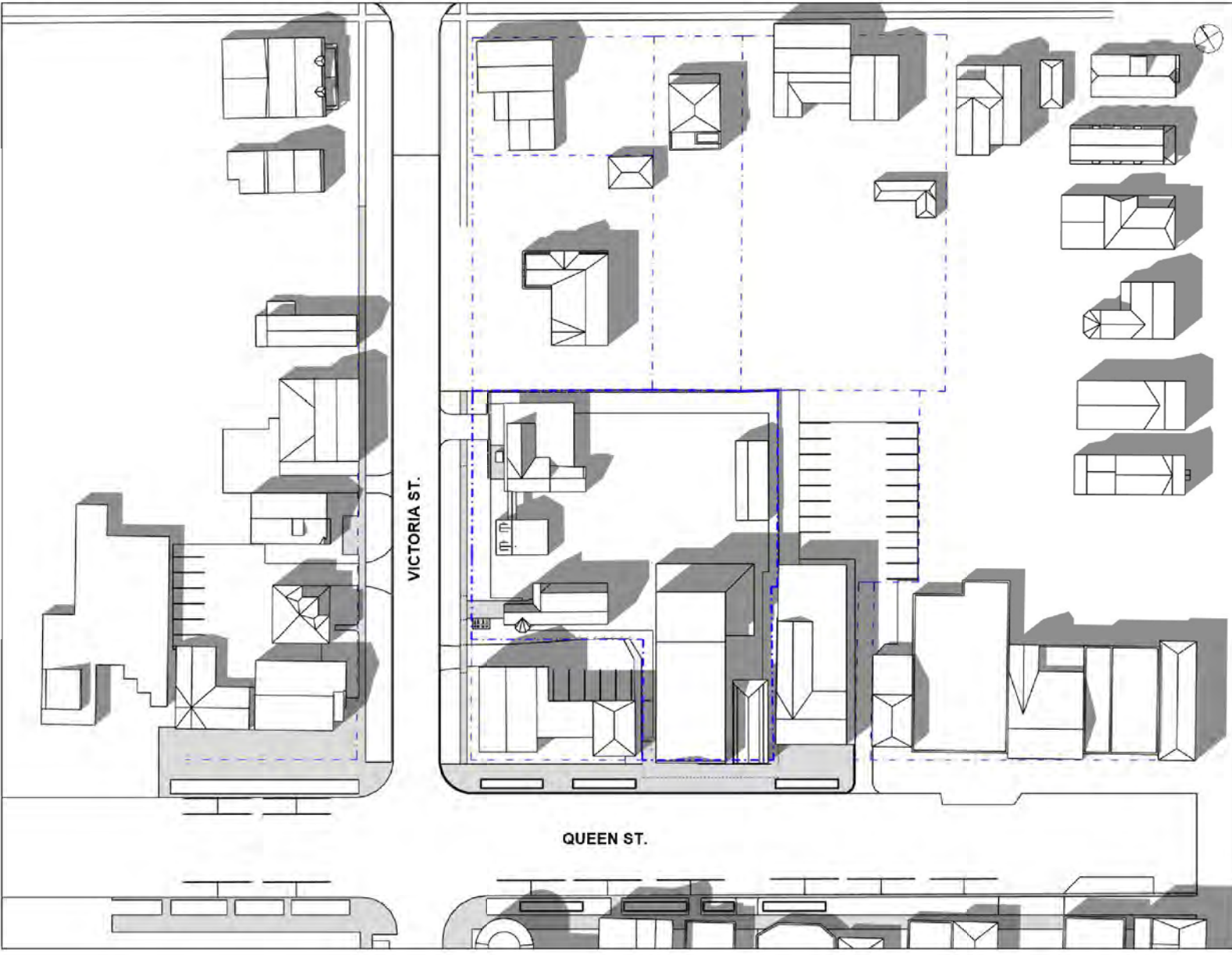
[4 of 9] [June 21, 2023 - 13:00]



[6 of 9] [June 21, 2023 - 15:00]



[8 of 9] [June 21, 2023 - 17:00]



NOTE

TIME DURATION

10:00 AM - 6:00 PM

SUNRISE/SUNSET

APRIL

SUNRISE - 6:25 AM

SUNSET - 8:06 PM

JUNE

SUNRISE - 5:36 AM

SUNSET - 9:00 PM

ISSUE / REVISIONS

1 ISSUED FOR RE-ZONING MAY 20 25



Unity Design Studio Inc.

72 Victoria Street S, Suite B1

Kitchener, ON N2G 4V9

705 743 3311

info@unitydesignstudio.ca

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CONSTRUCTION DOCUMENTATION

PROJECT No. 22-140

START DATE JAN. 2023

**SHAW FESTIVAL
NEW ROYAL GEORGE
THEATRE**

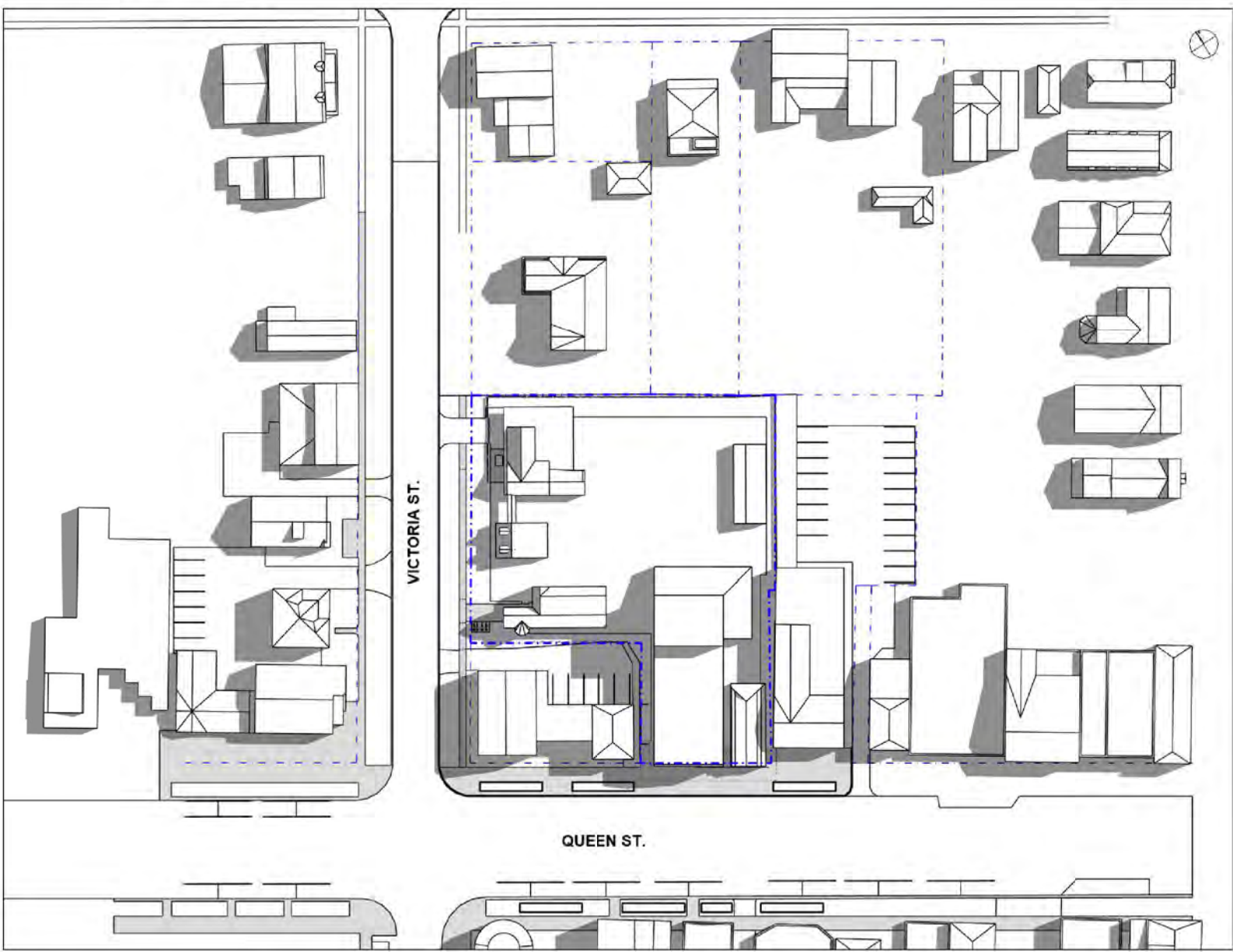
Address:

Niagara on the Lake ON

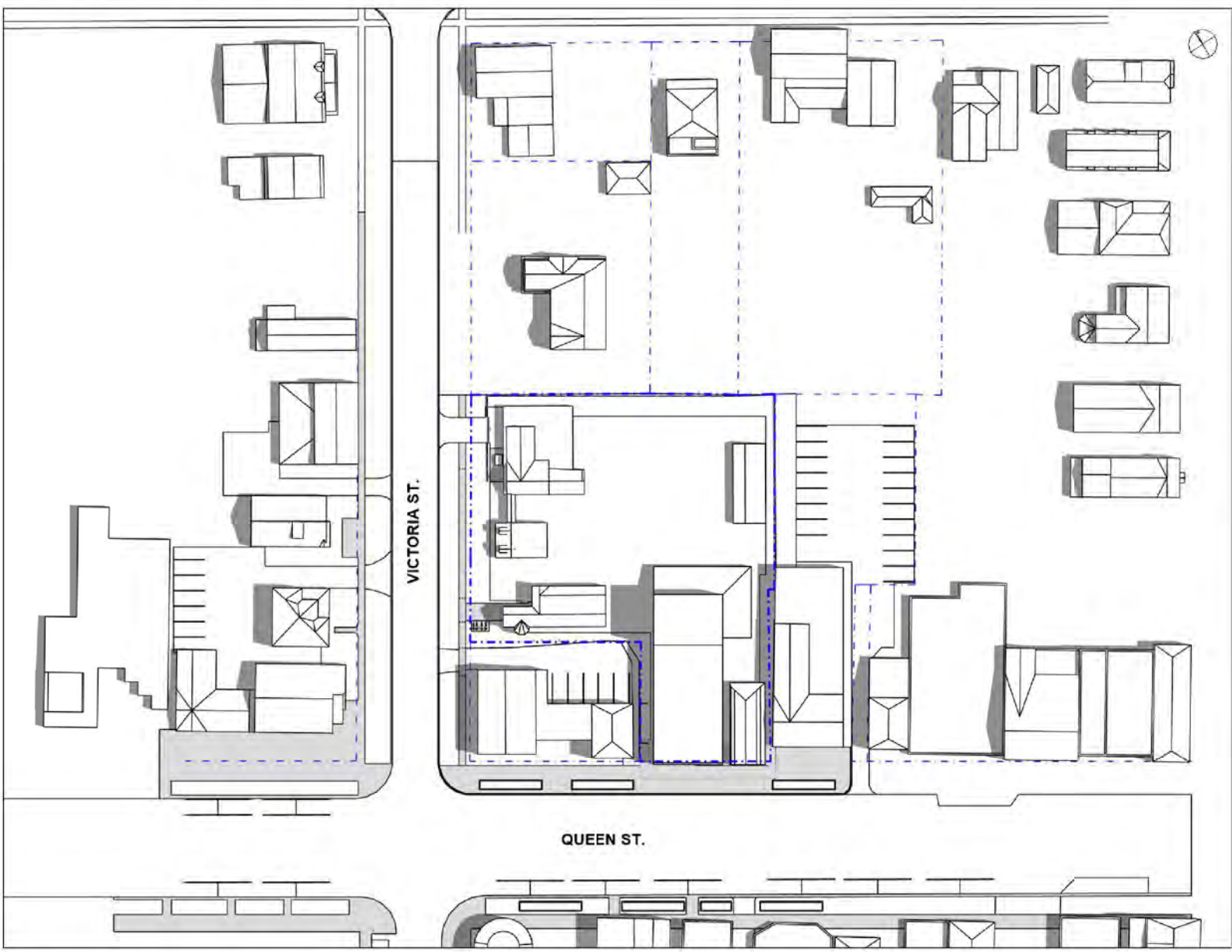
**EXISTING - SHADOW
STUDY - APRIL 21 &
JUNE 21**

AS-110

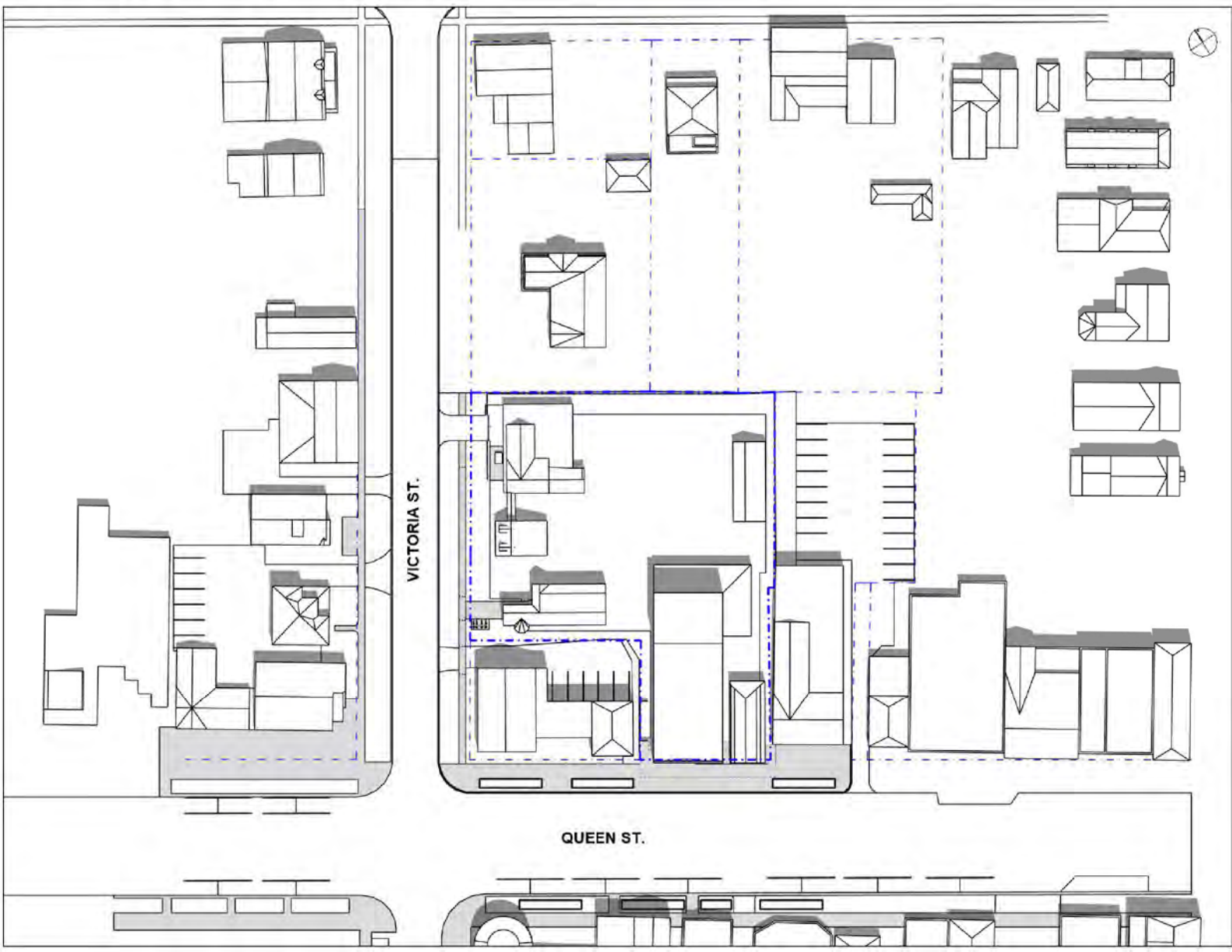
[1 of 9] [July 21, 2023 - 10:00]



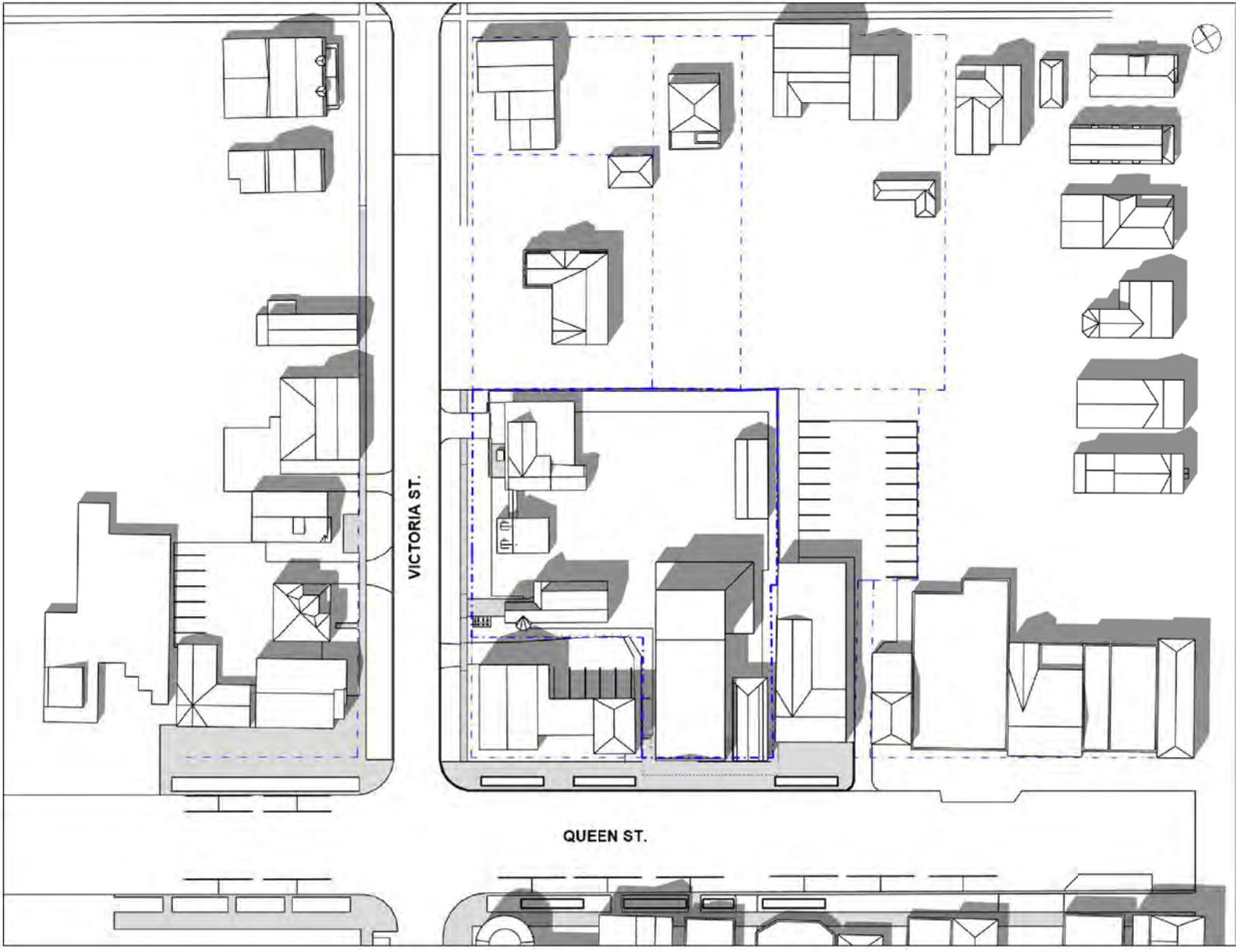
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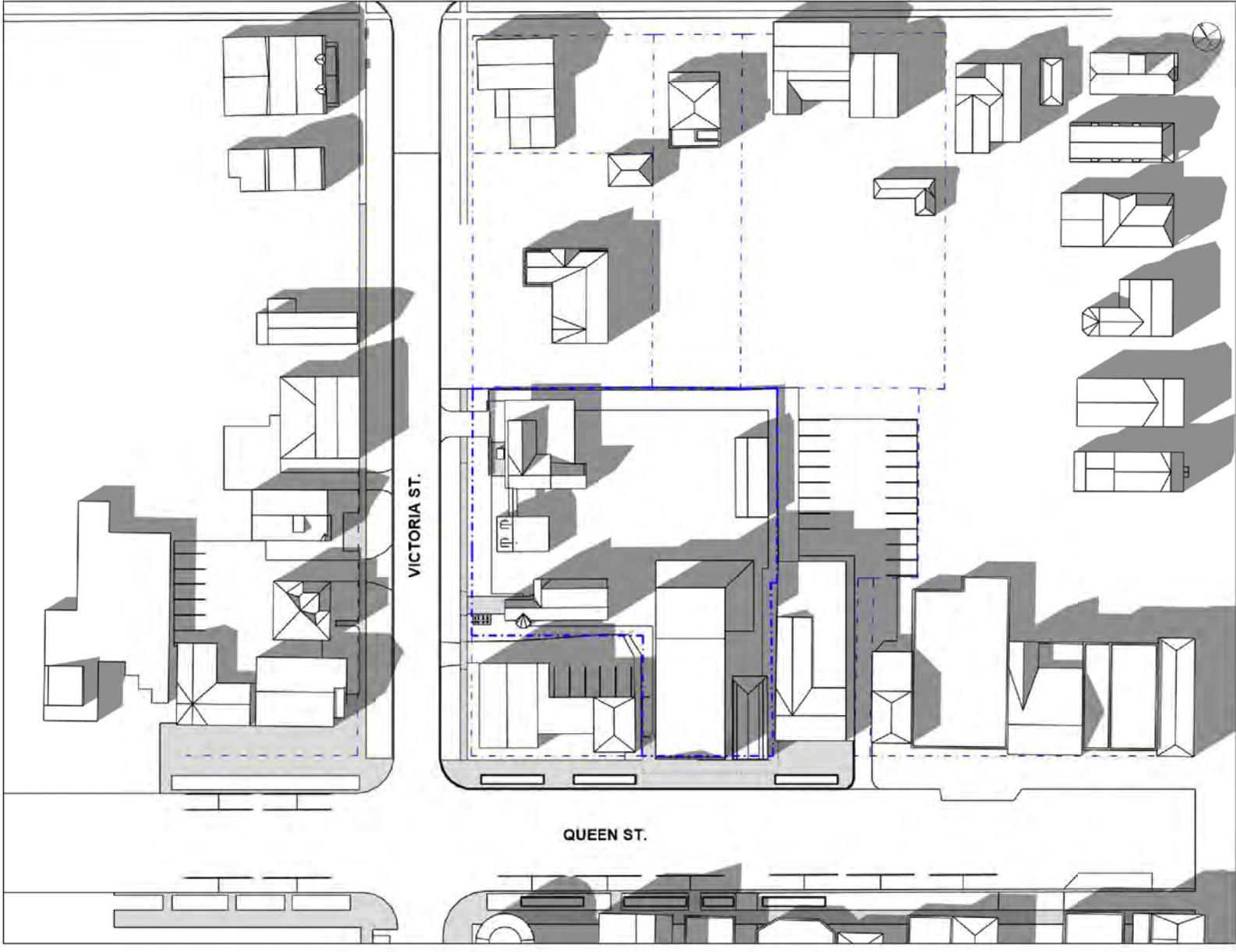
[5 of 9] [July 21, 2023 - 14:00]



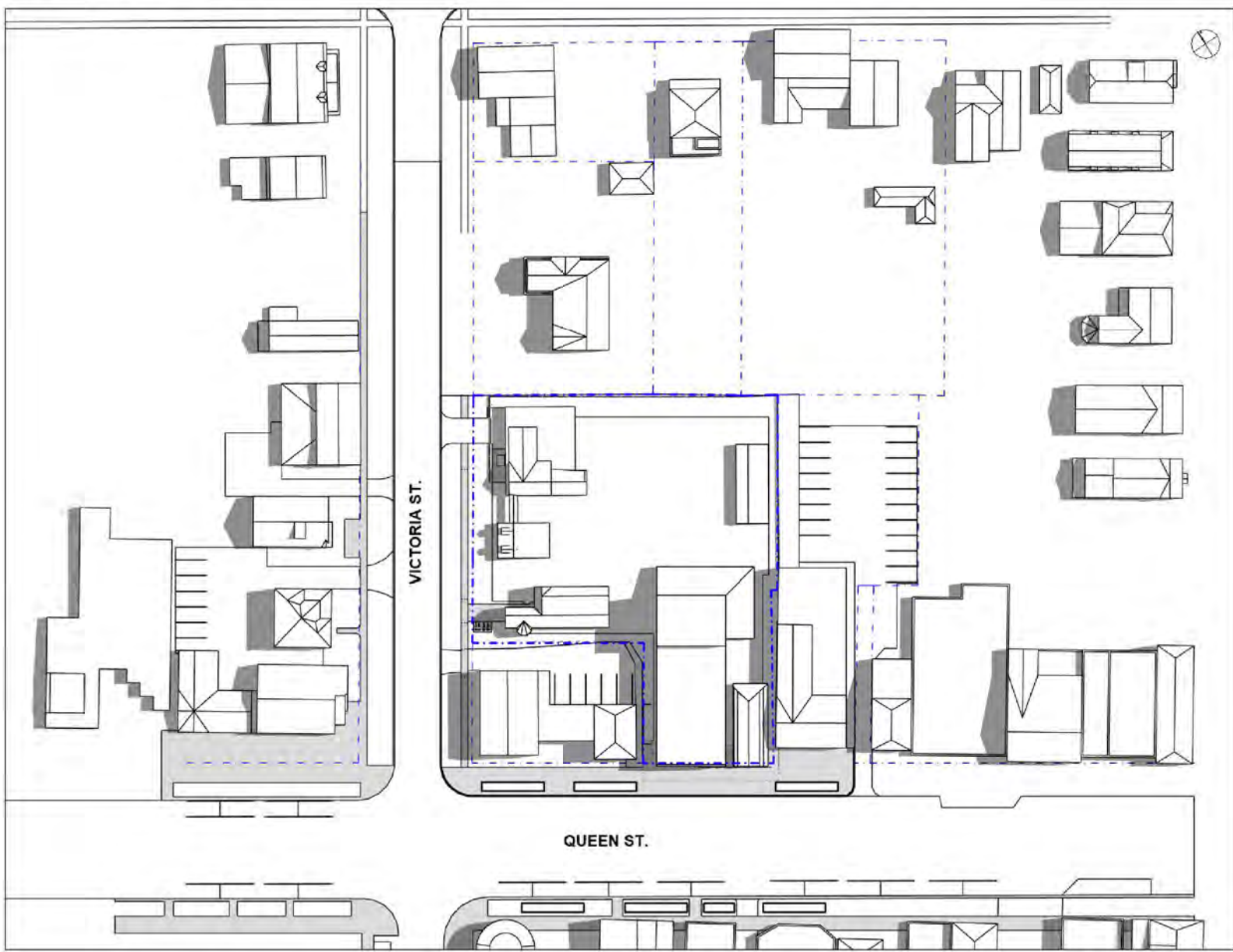
[7 of 9] [July 21, 2023 - 16:00]



[9 of 9] [July 21, 2023 - 18:00]



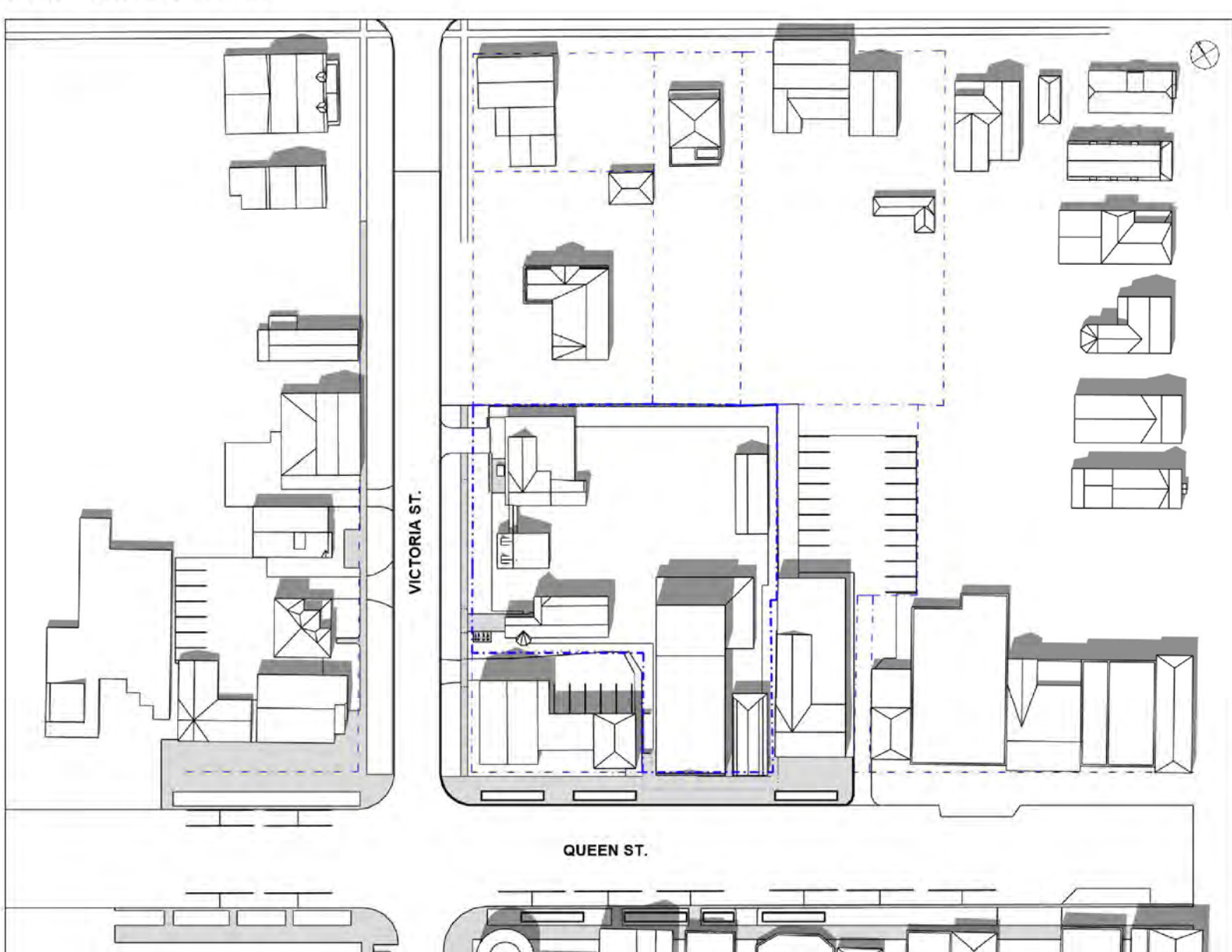
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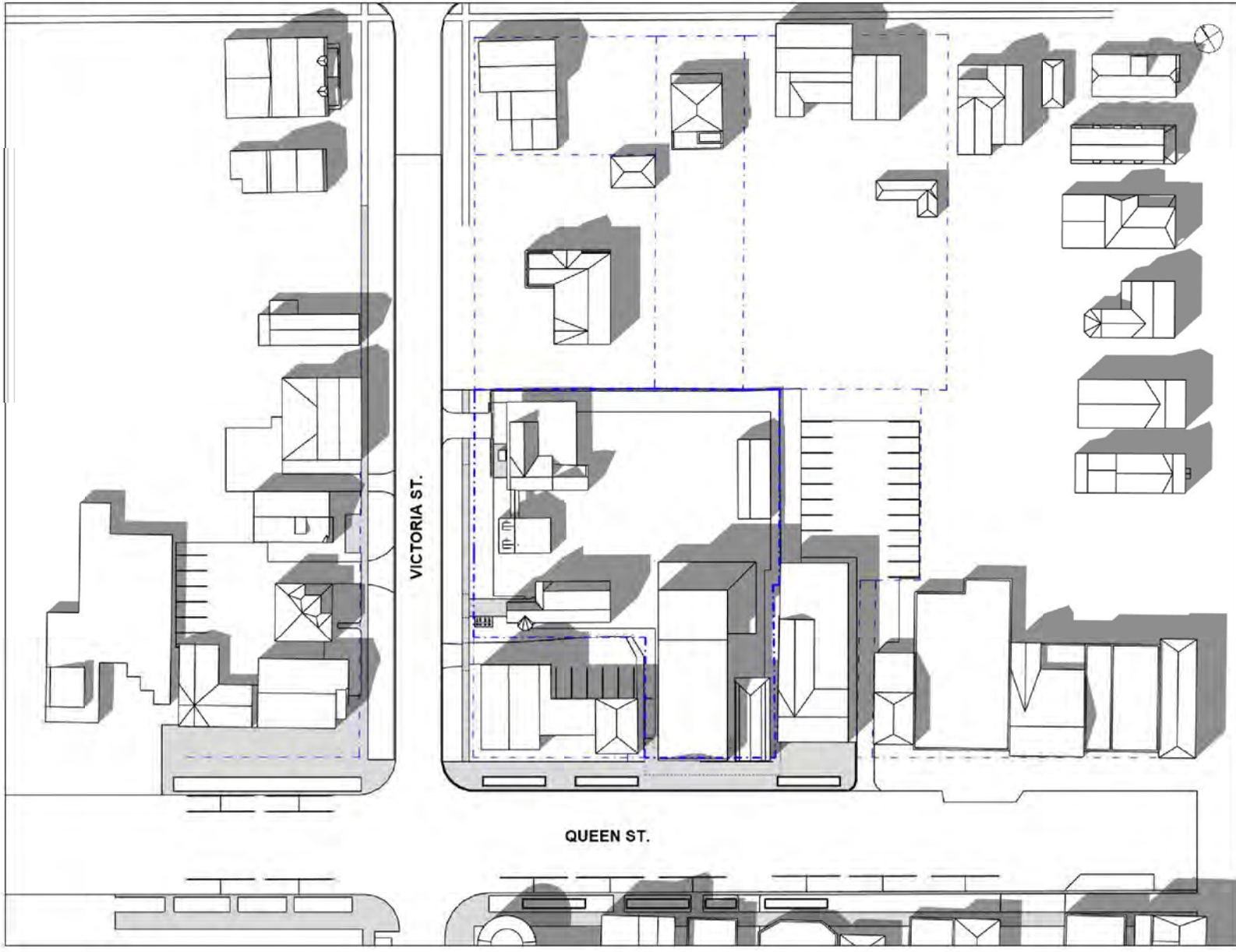
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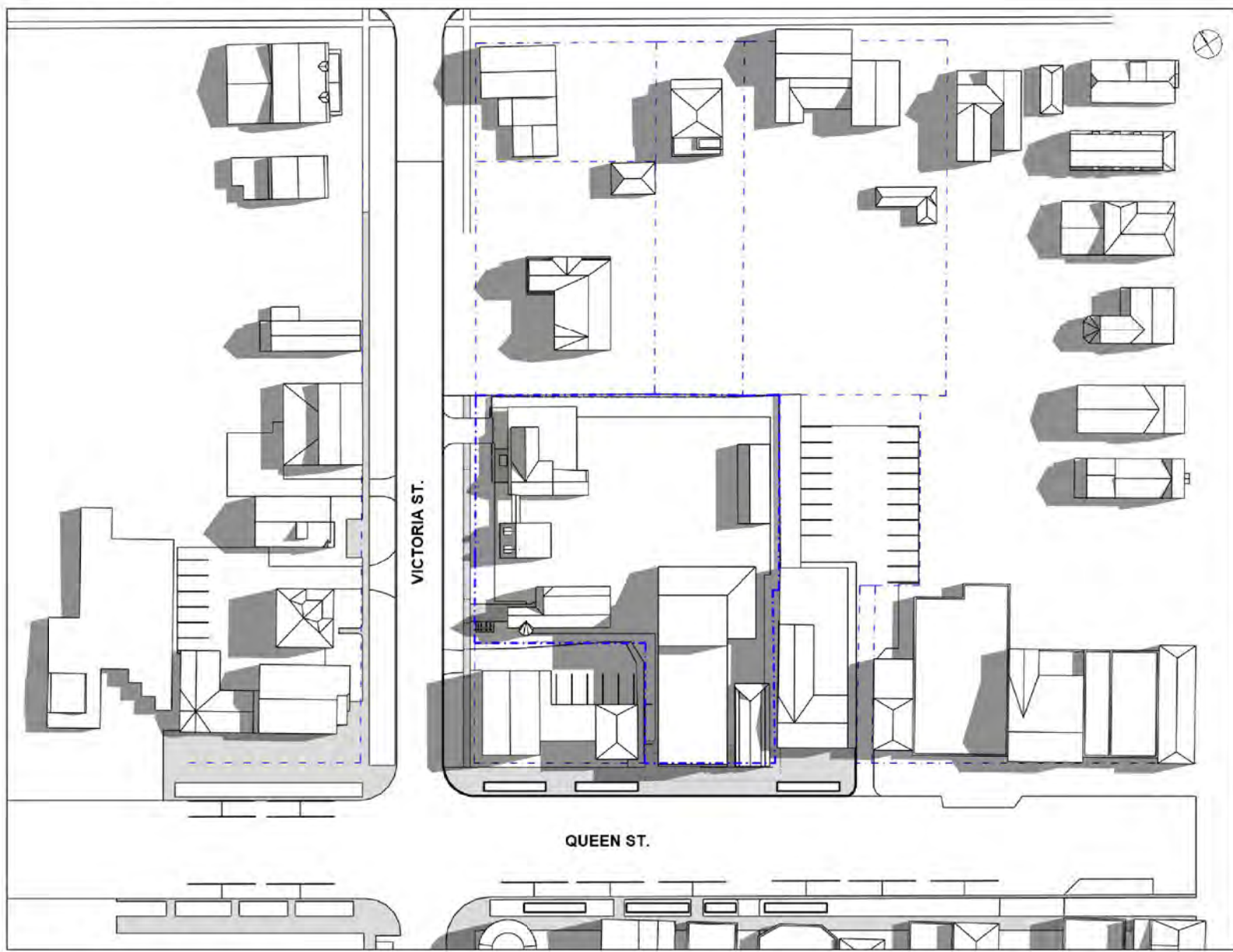
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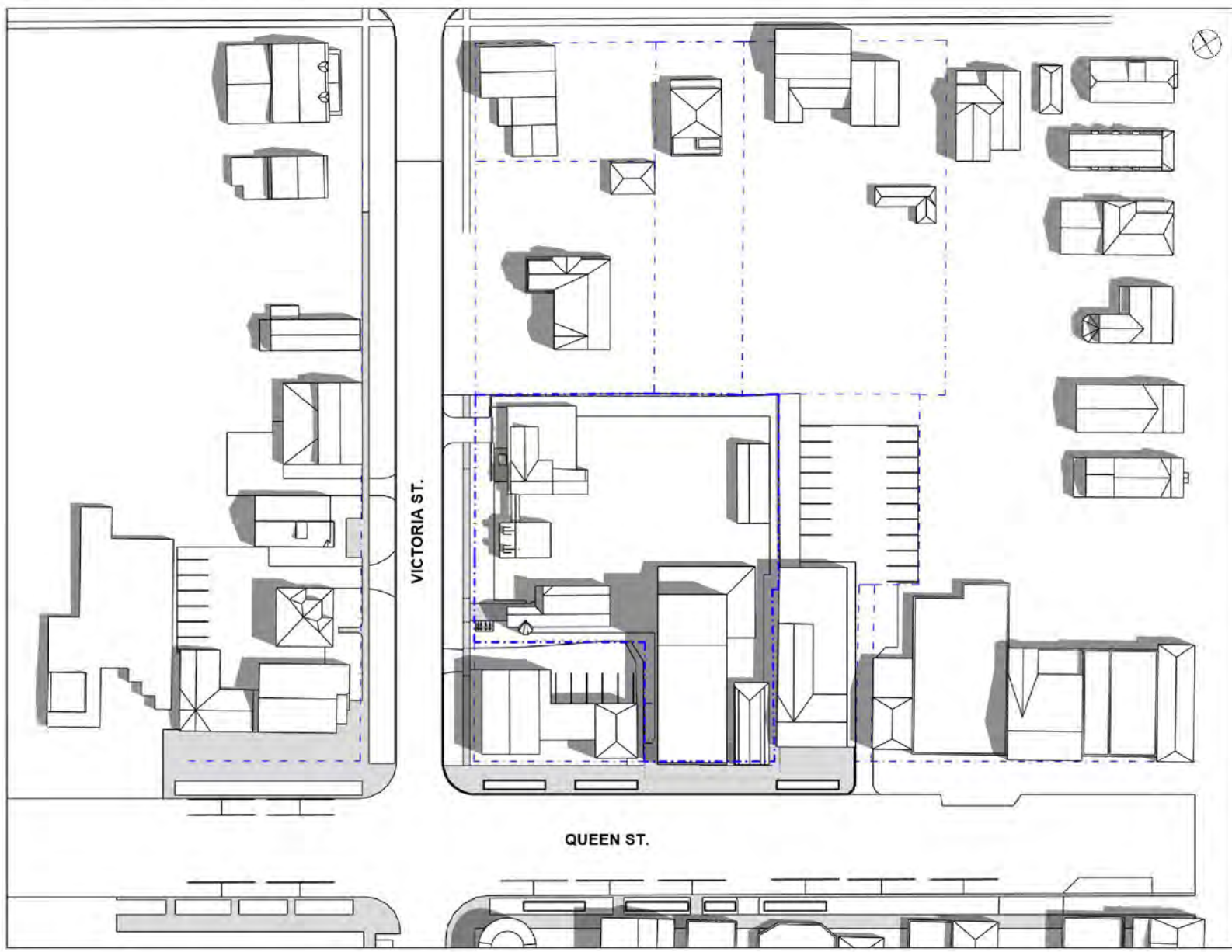
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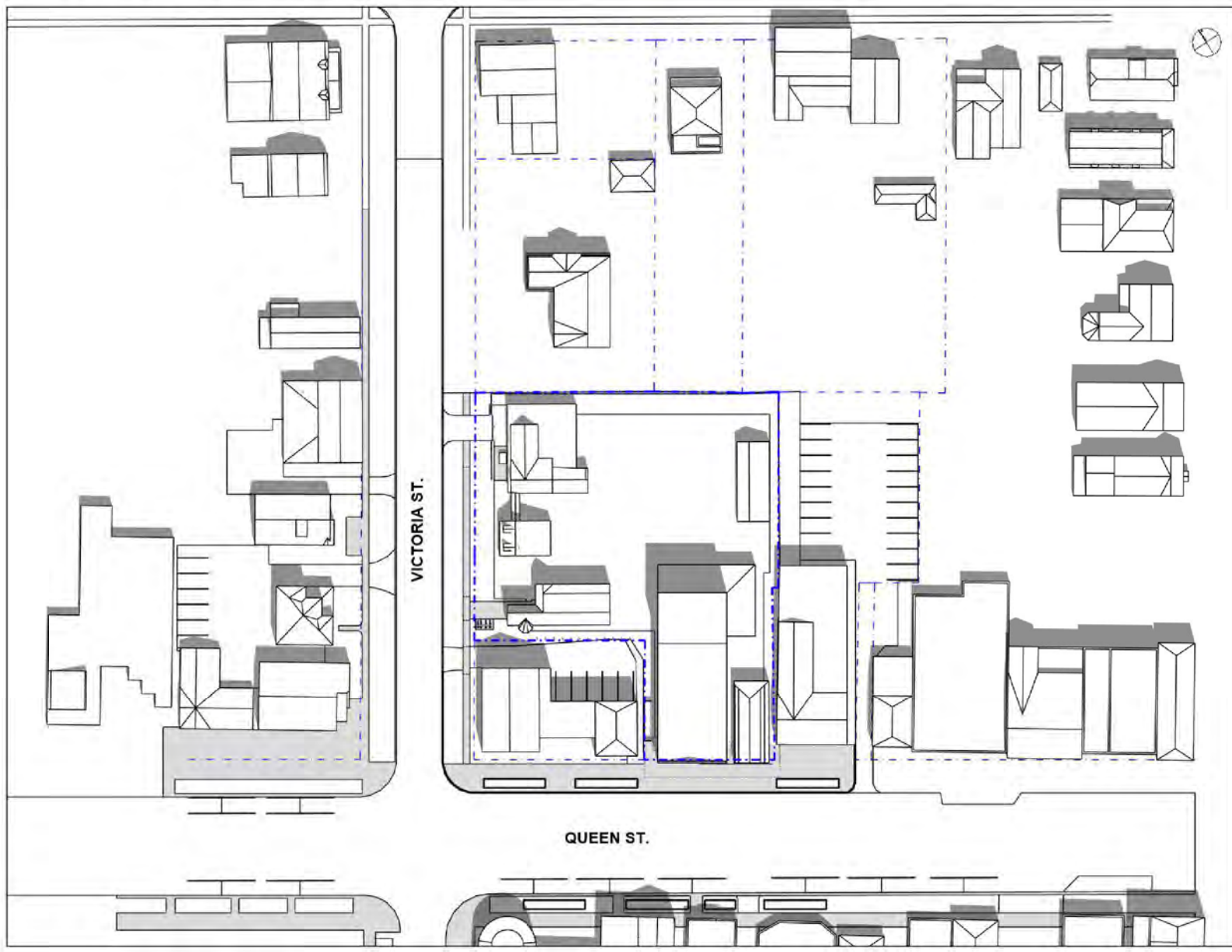
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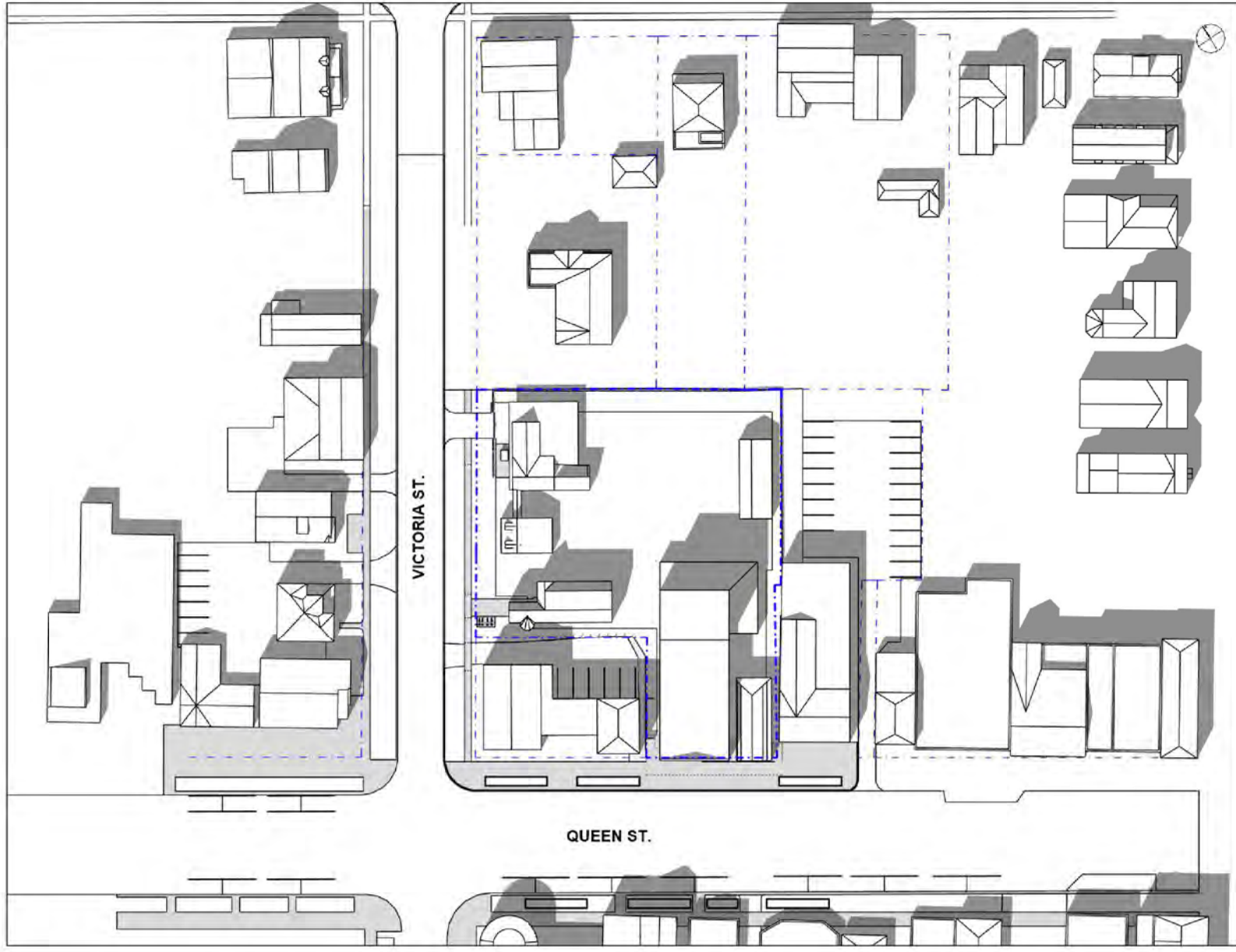
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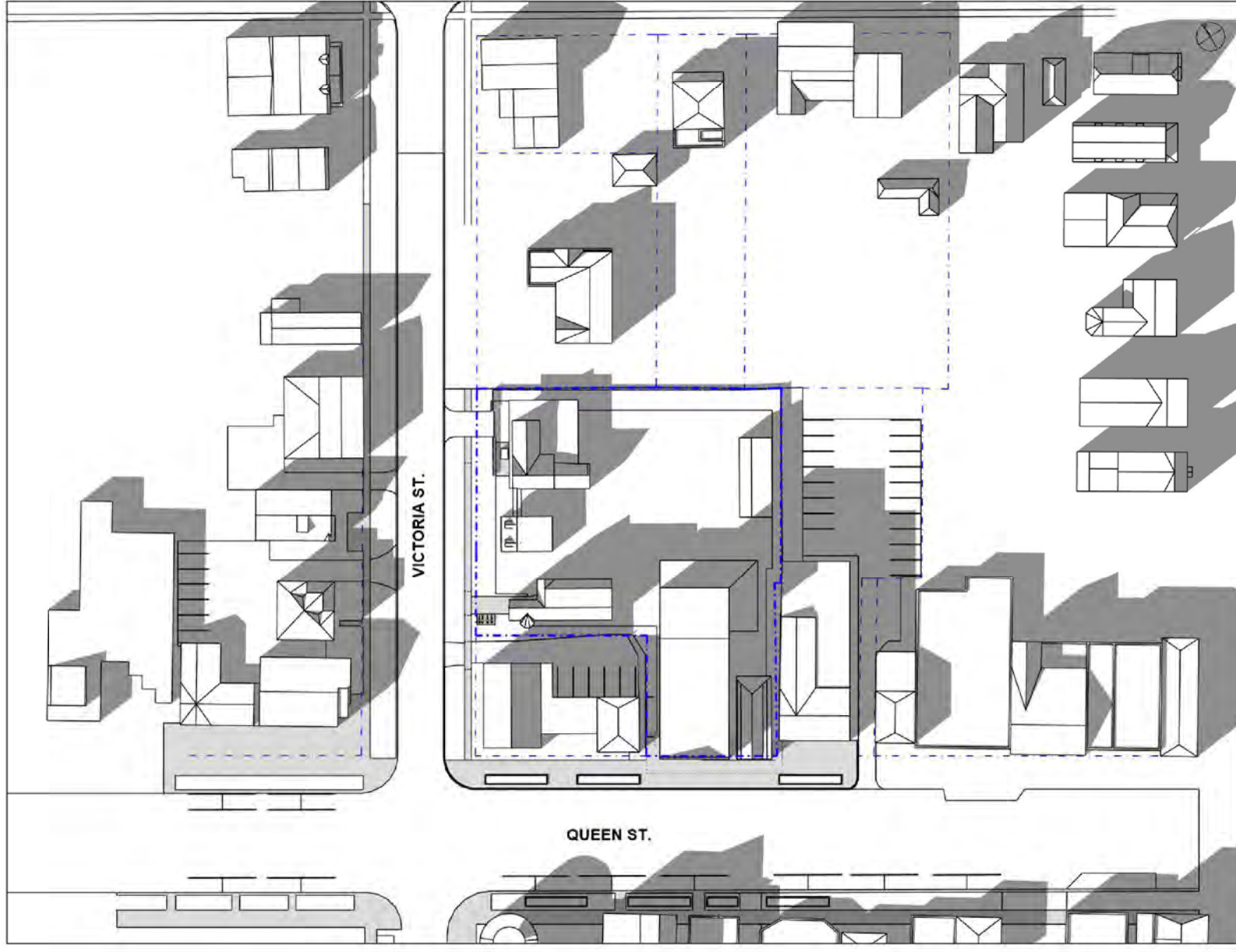
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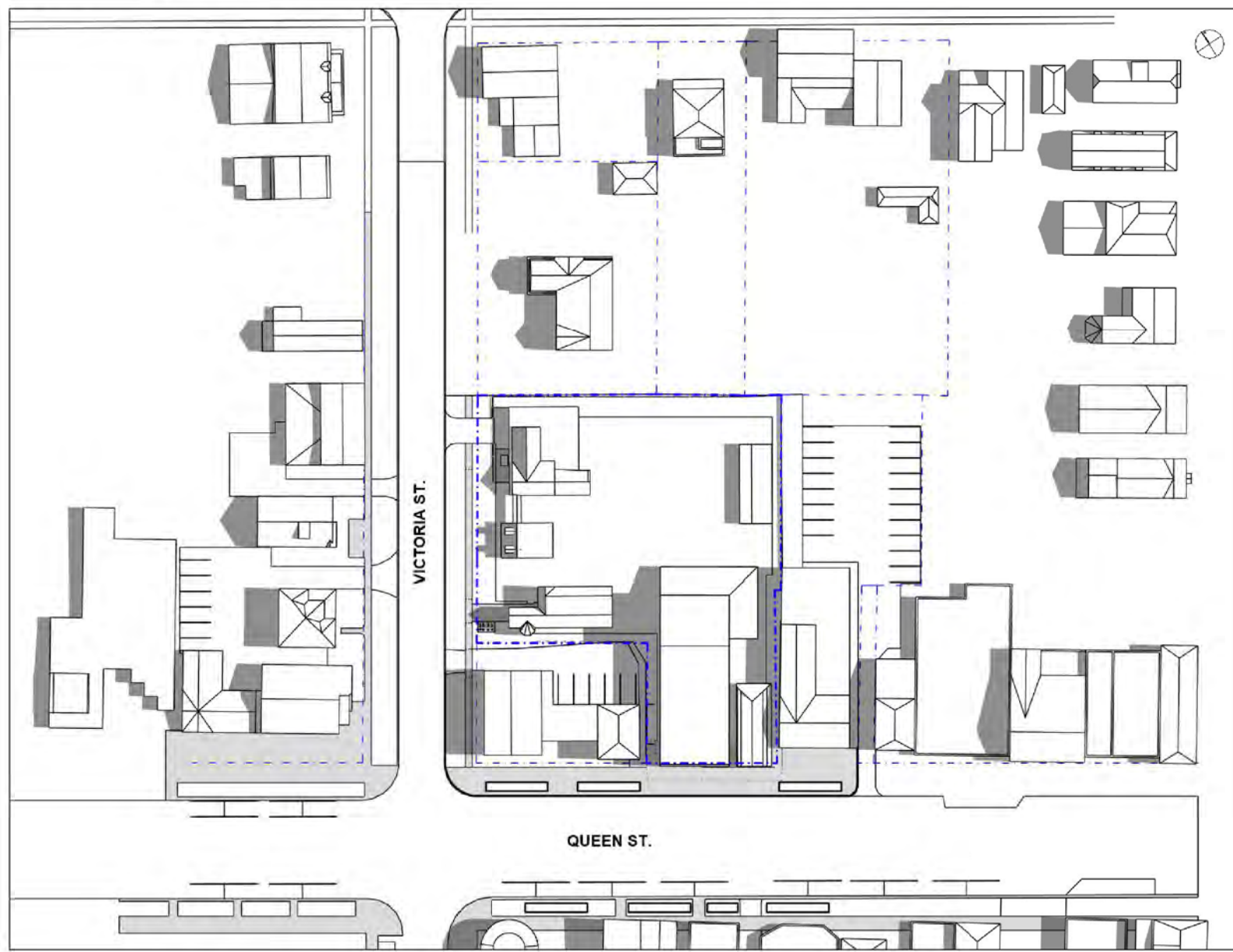
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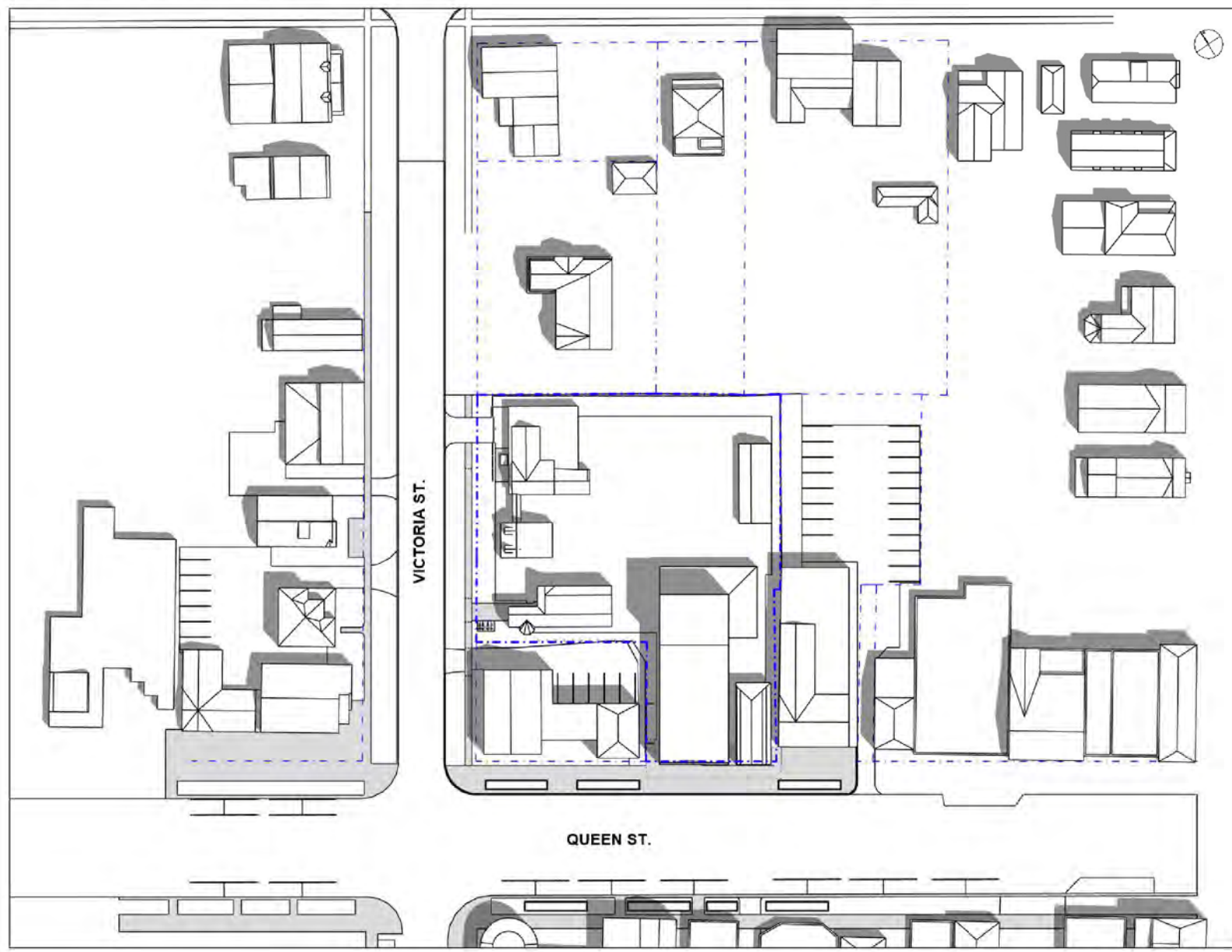
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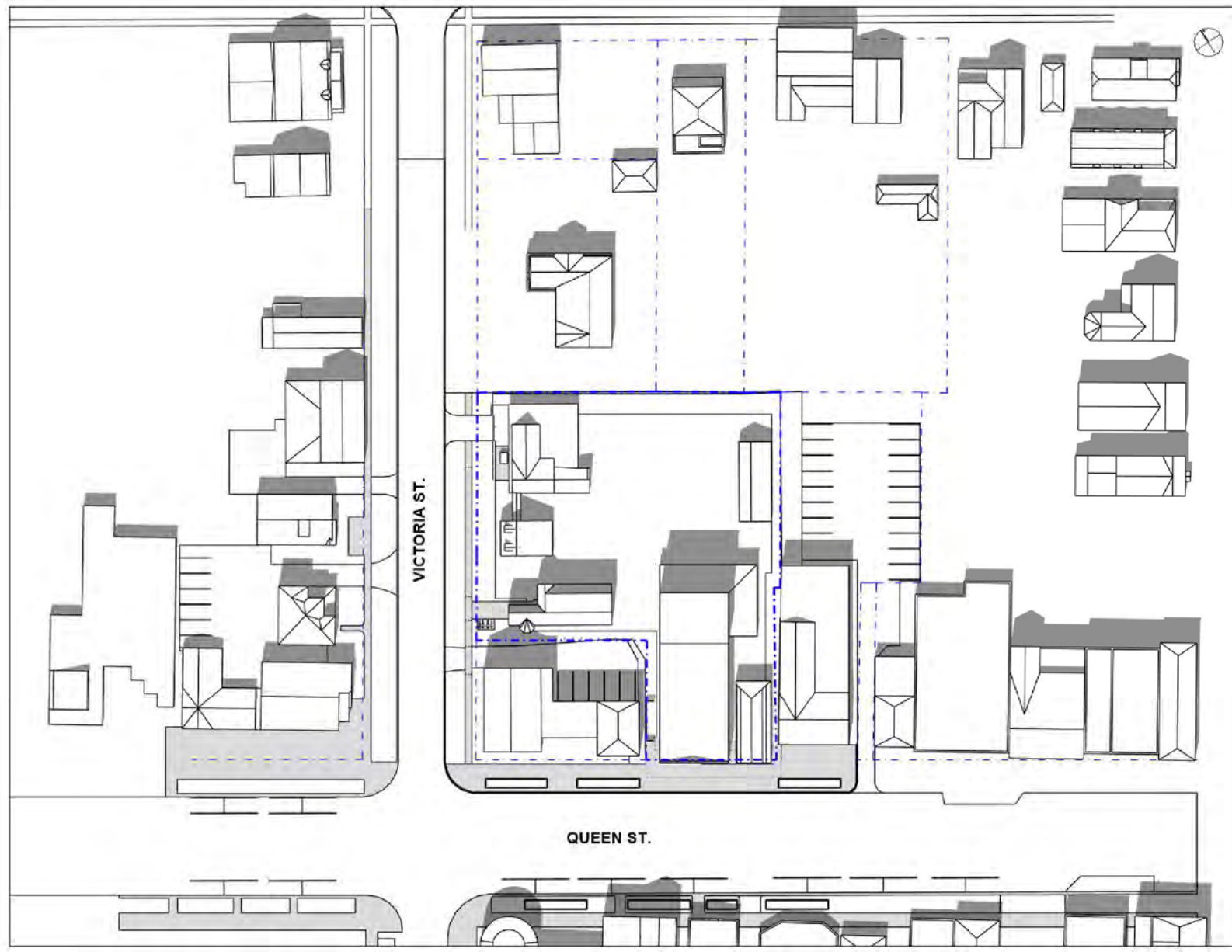
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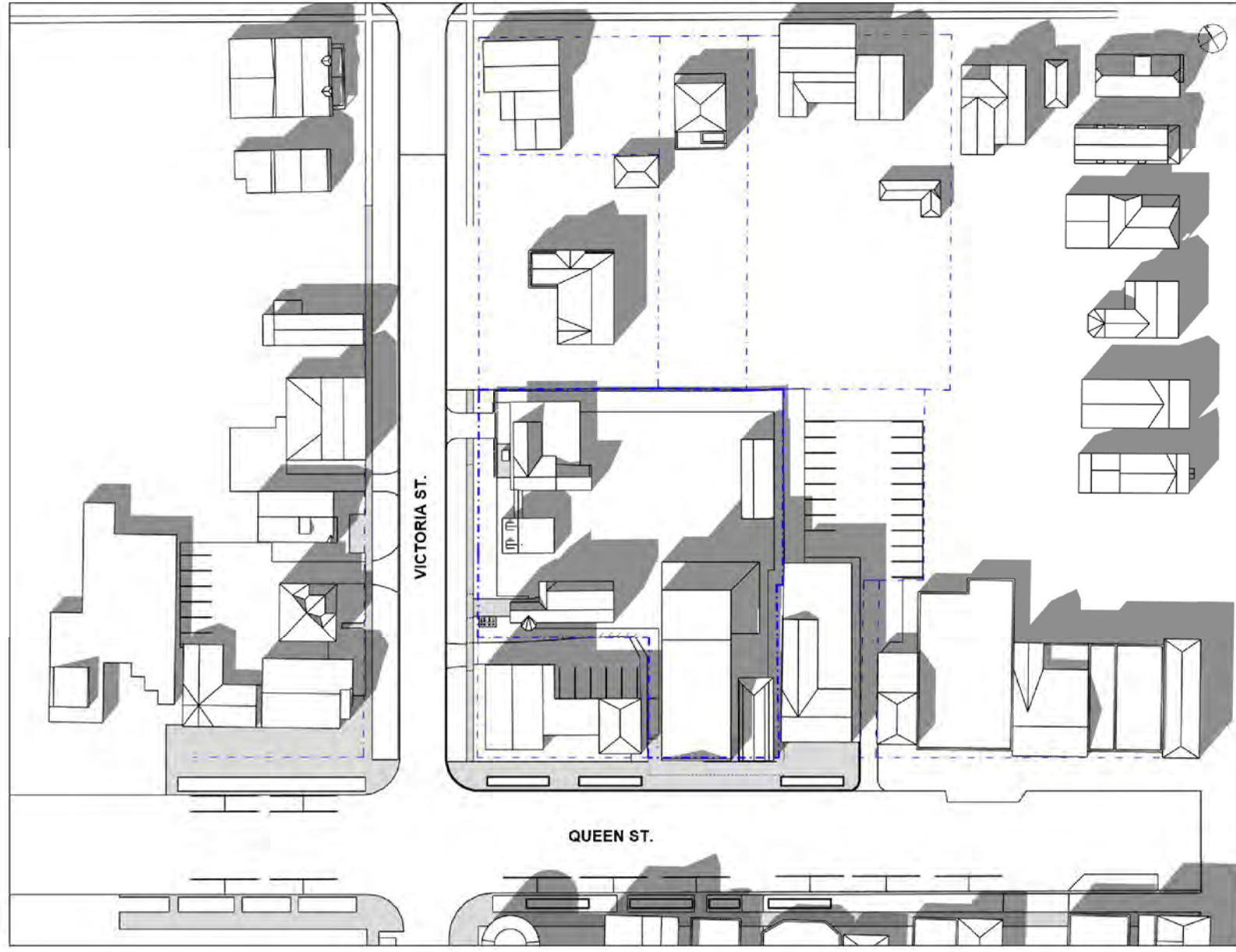
[4 of 9] [August 21, 2023 - 13:00]



[6 of 9] [August 21, 2023 - 15:00]



[8 of 9] [August 21, 2023 - 17:00]



NOTE

TIME DURATION

10:00 AM - 6:00 PM

SUNRISE/SUNSET

JULY

SUNRISE - 5:55 AM

SUNSET - 8:50 PM

AUGUST

SUNRISE - 6:28 AM

SUNSET - 8:10 PM

ISSUE / REVISIONS

1 ISSUED FOR RE-ZONING MAY 20 25

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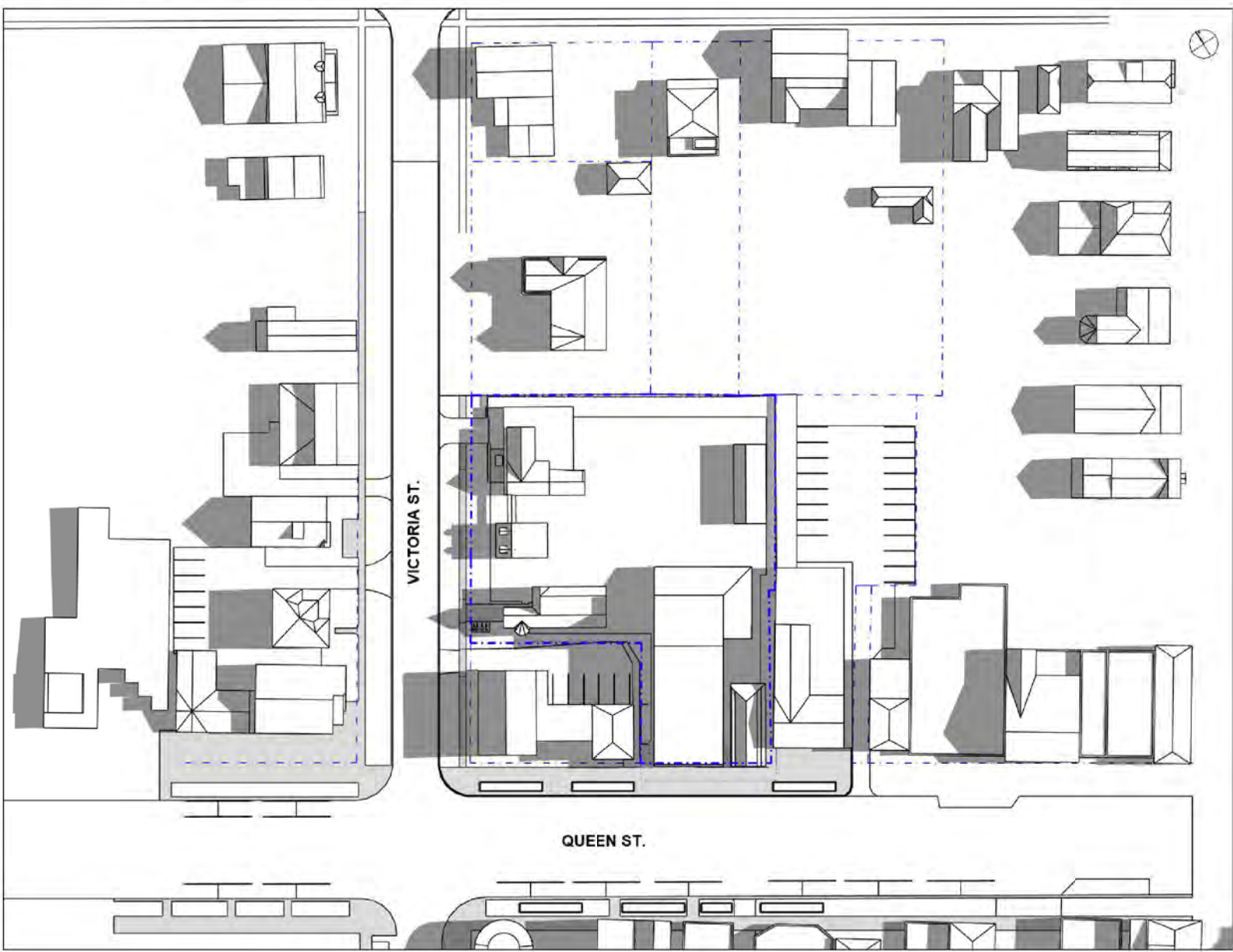
CONSTRUCTION
DOCUMENTATION
PROJECT No. 22-140
START DATE JAN. 2023

SHAW FESTIVAL
NEW ROYAL GEORGE
THEATRE

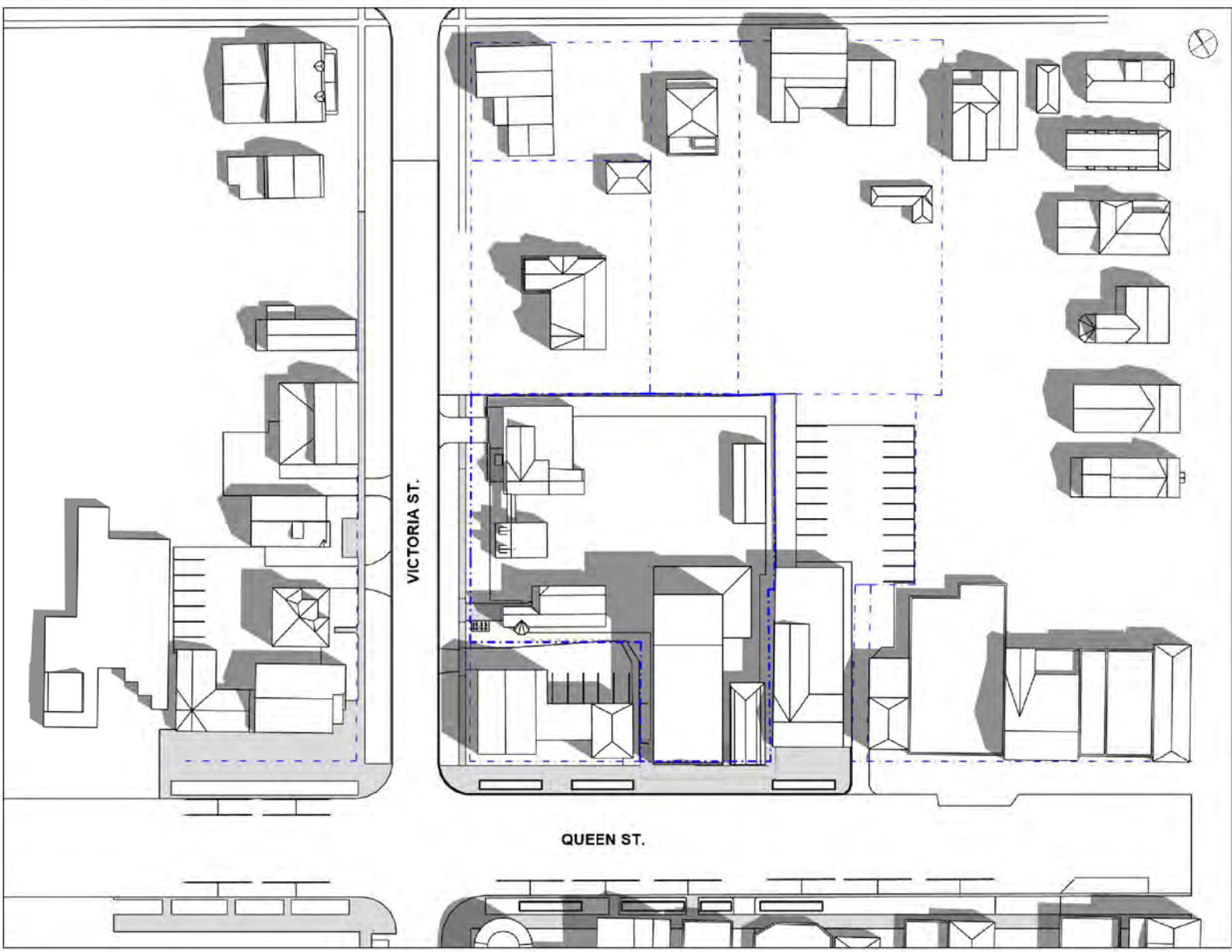
Address:
Niagara on the Lake ON

EXISTING - SHADOW
STUDY - JULY 21 &
AUGUST 21

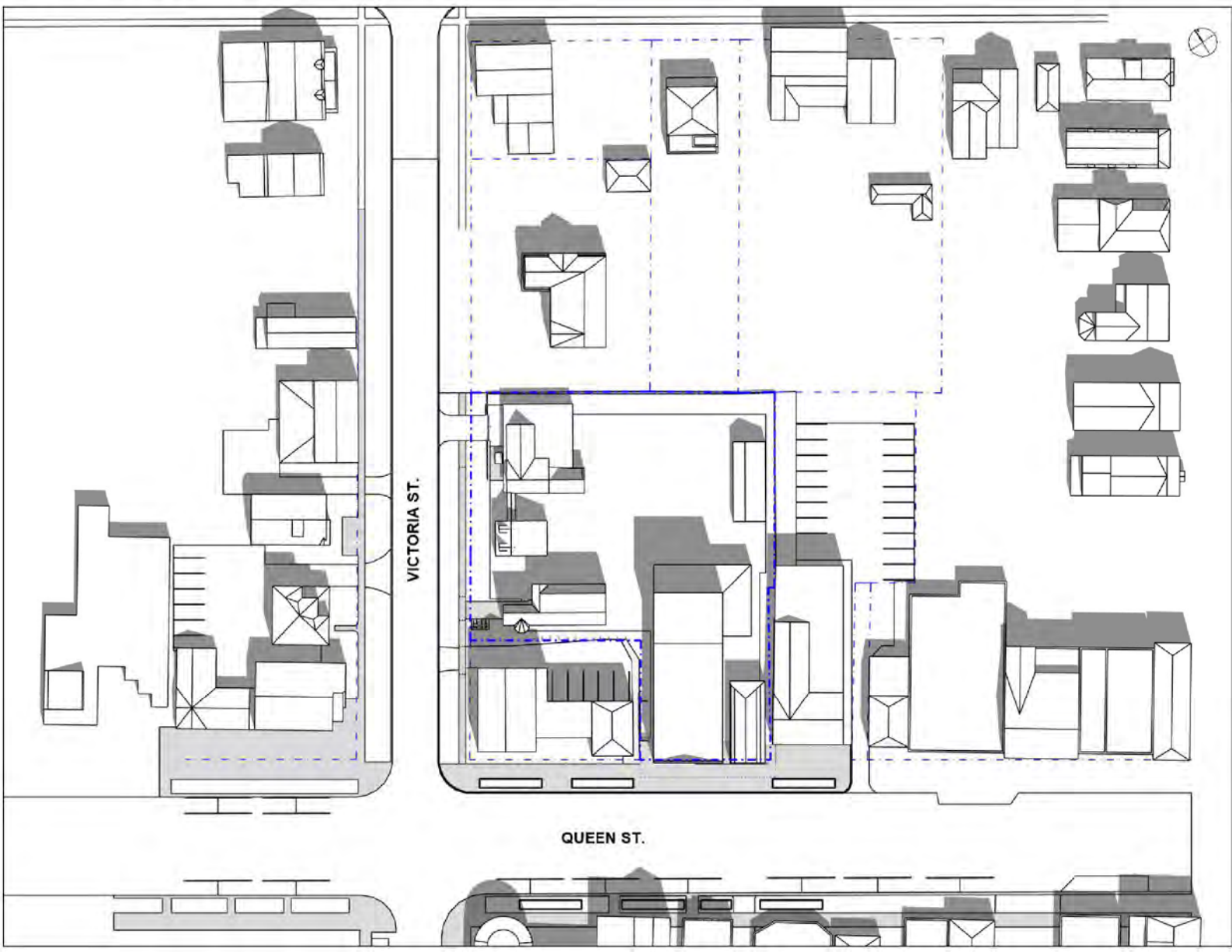
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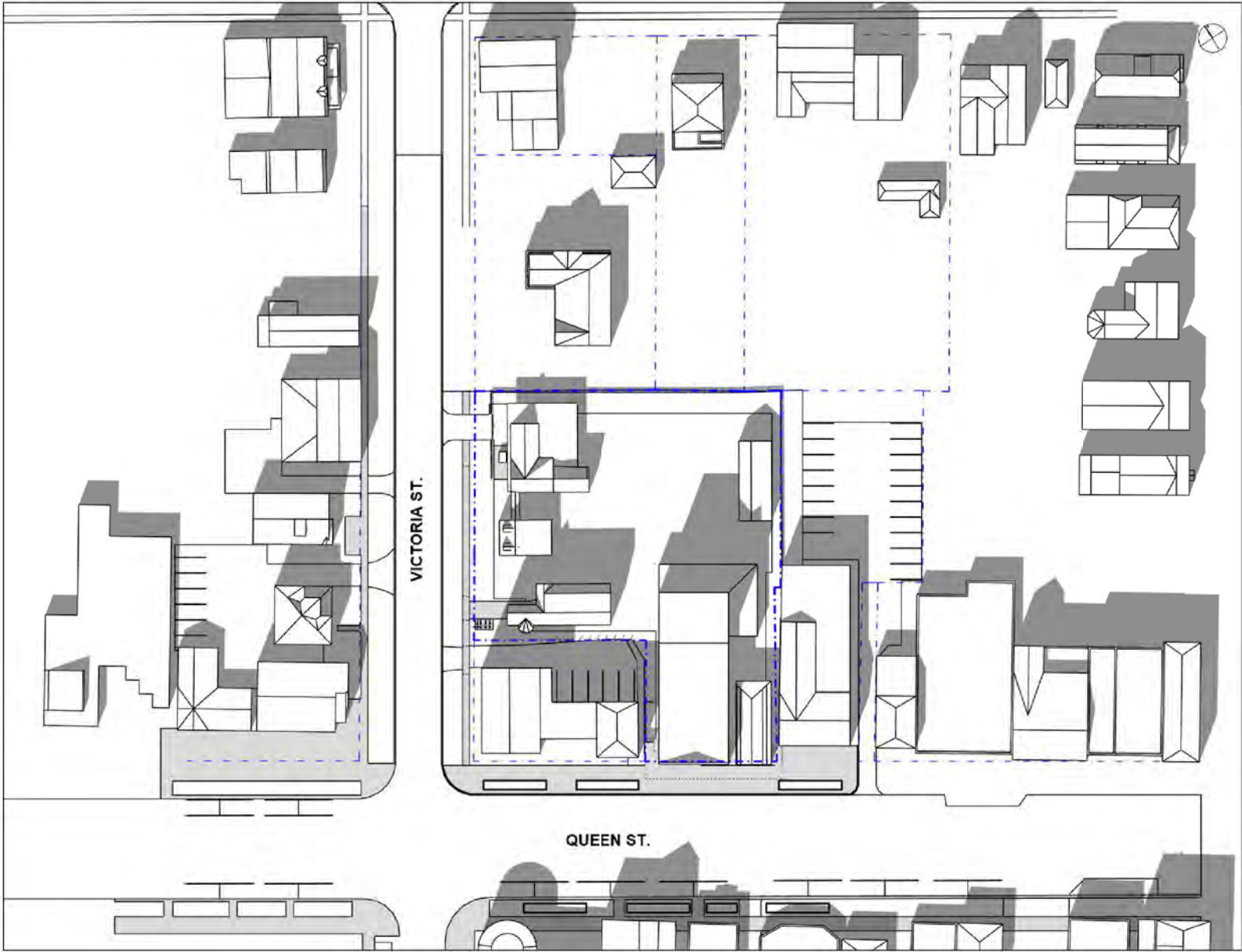
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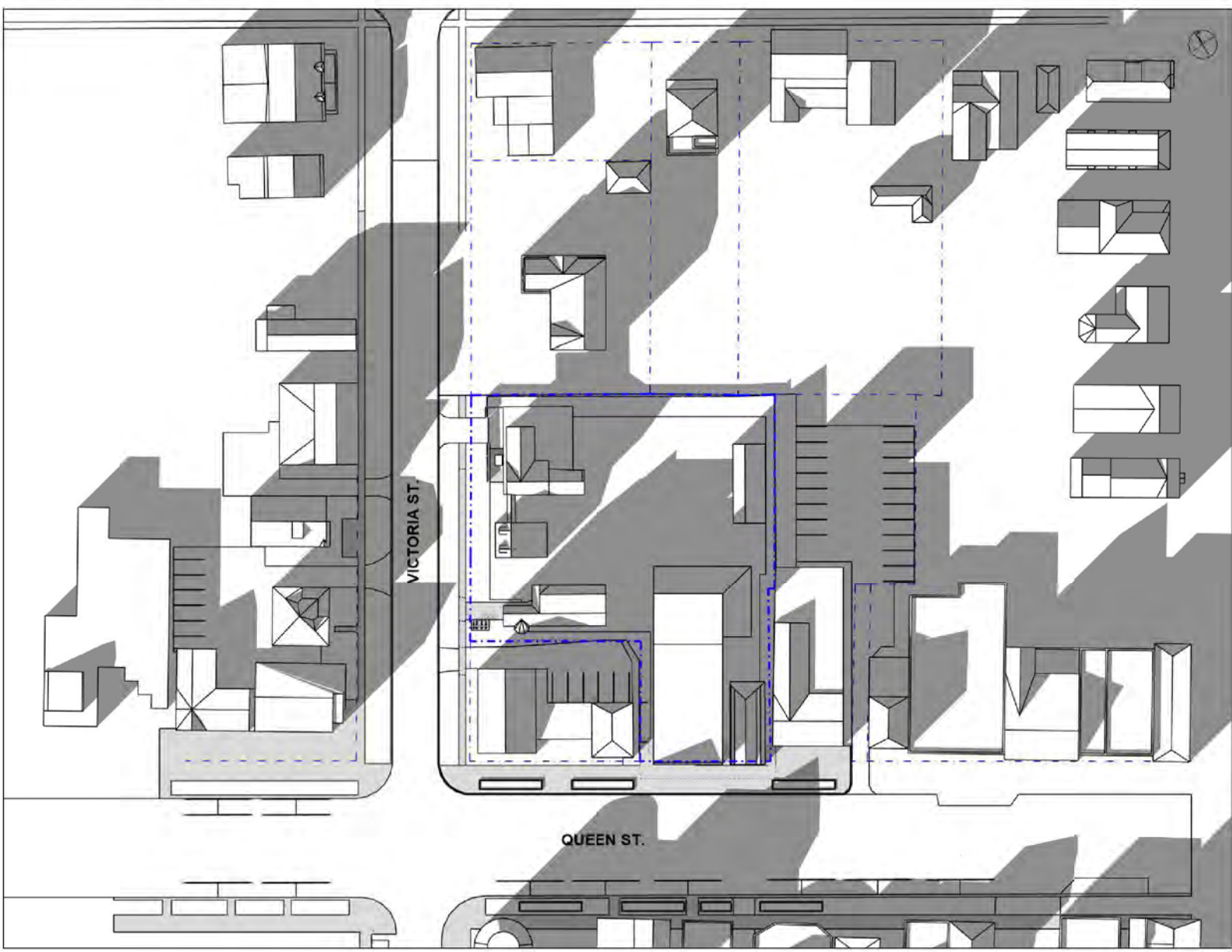
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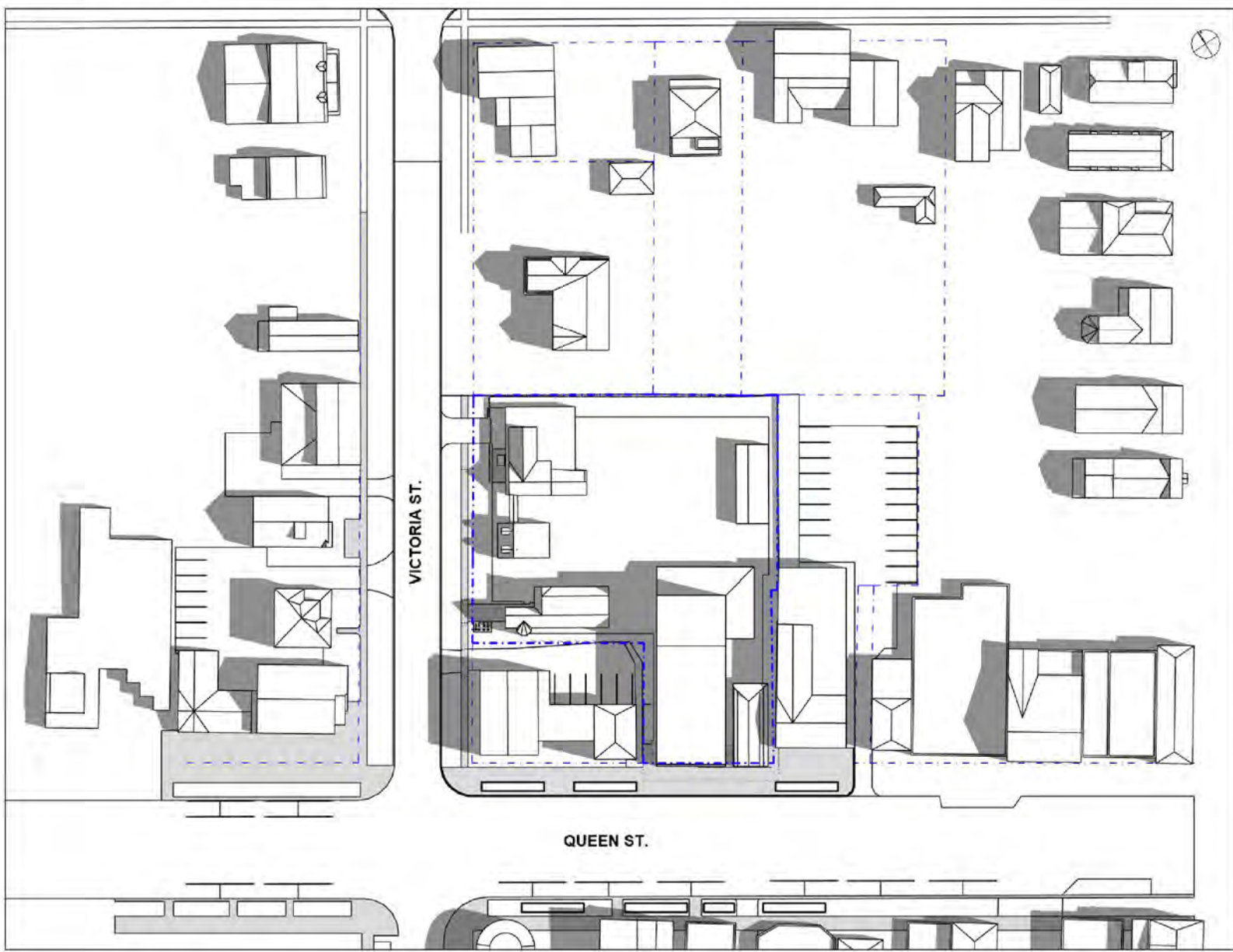
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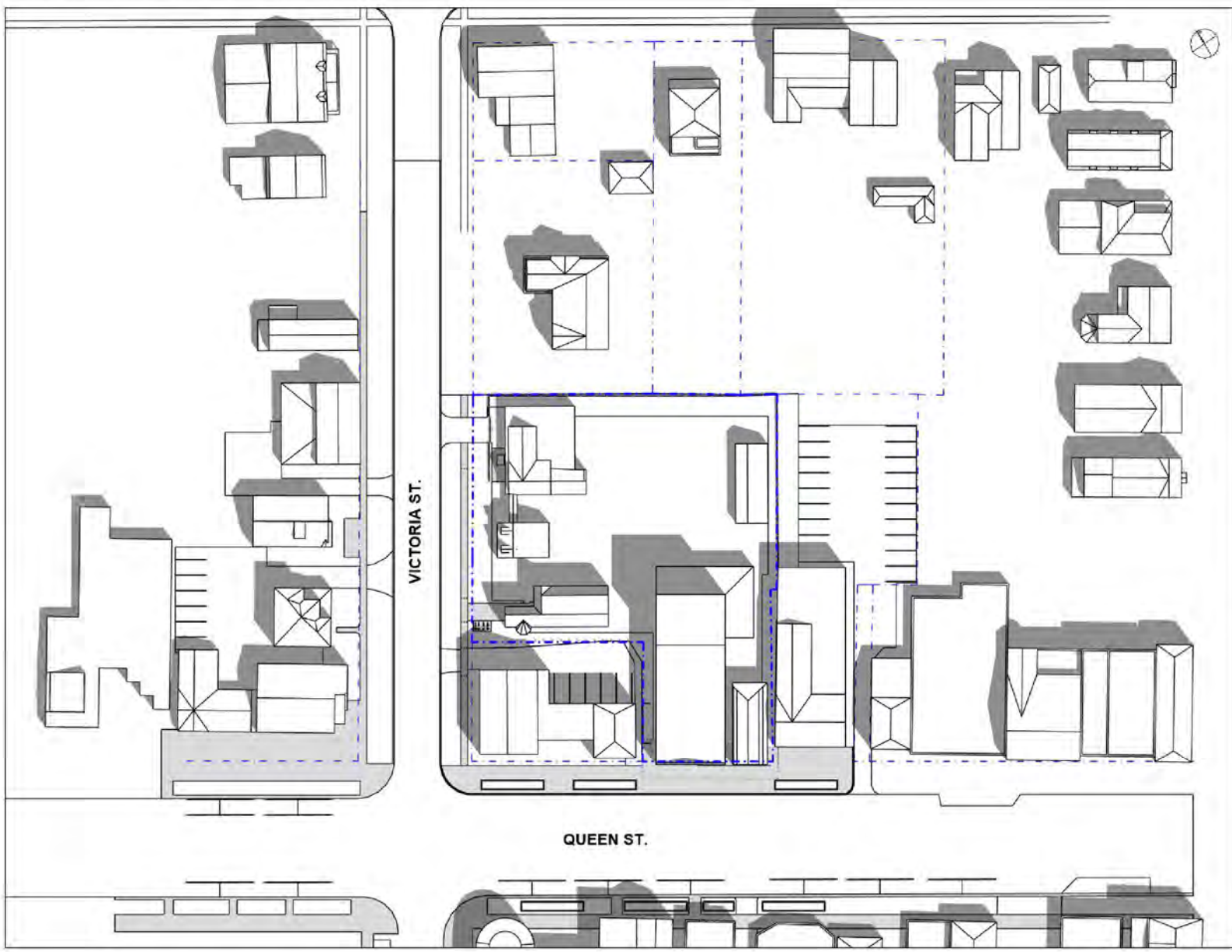
[9 of 9] [September 21, 2023 - 18:00]



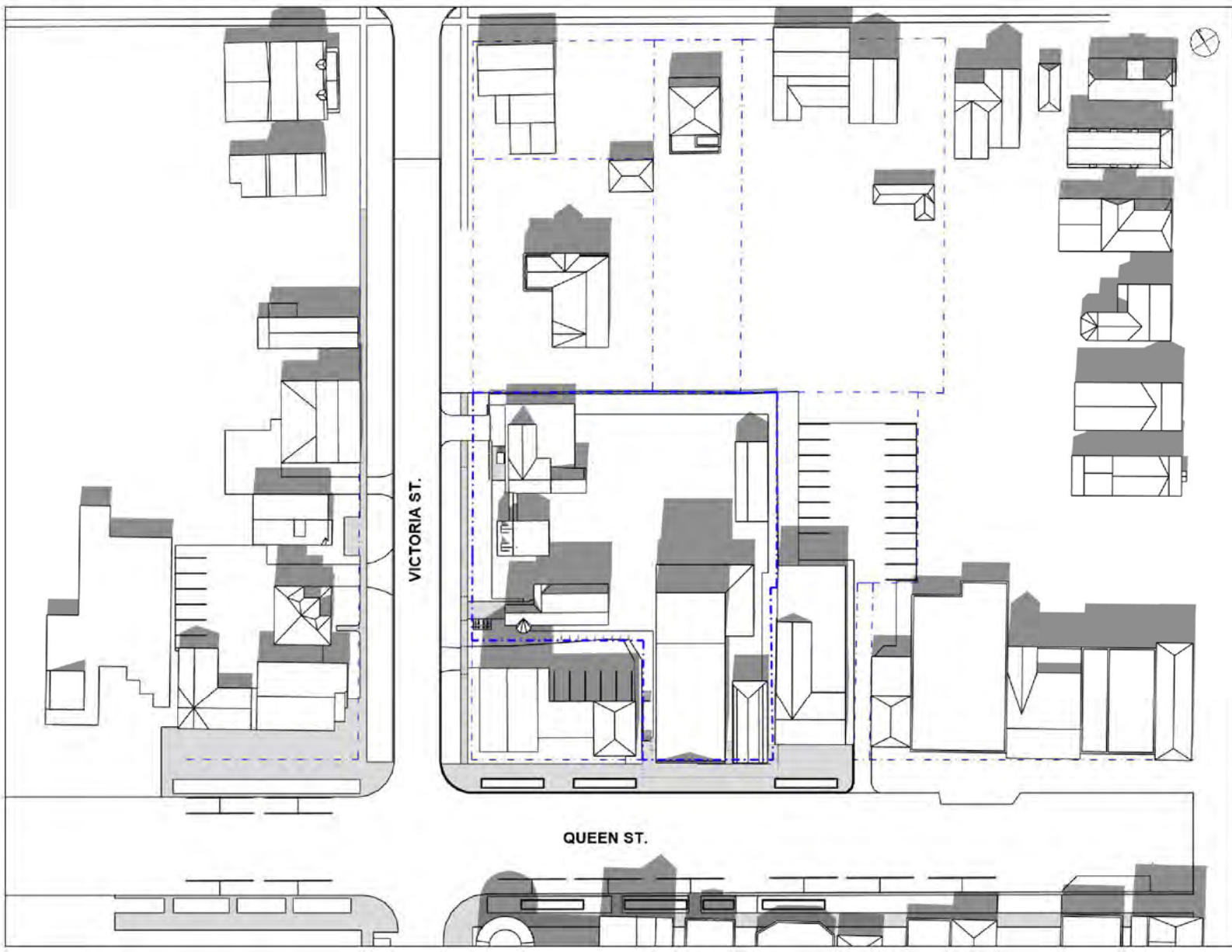
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[4 of 9] [September 21, 2023 - 13:00]



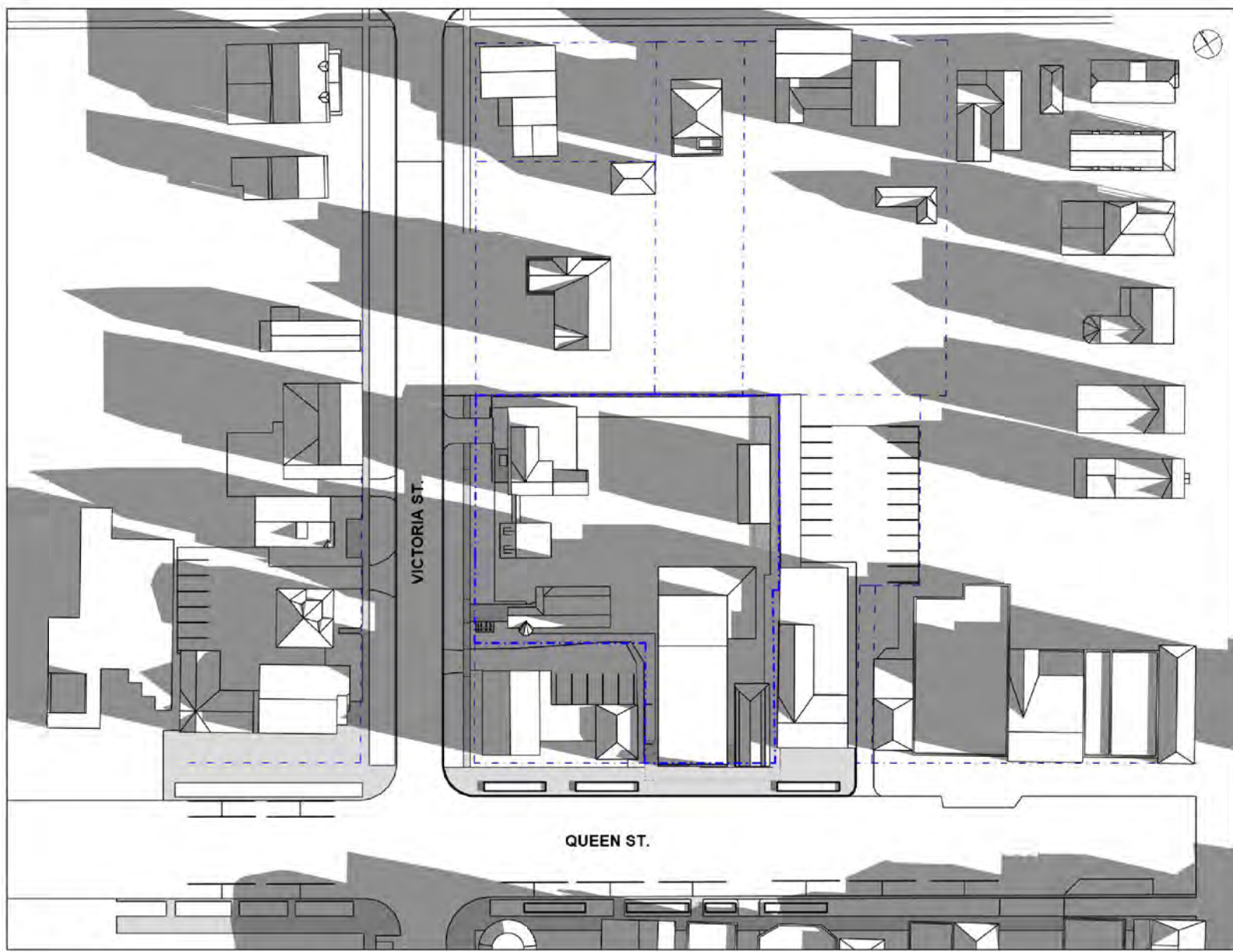
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[8 of 9] [September 21, 2023 - 17:00]



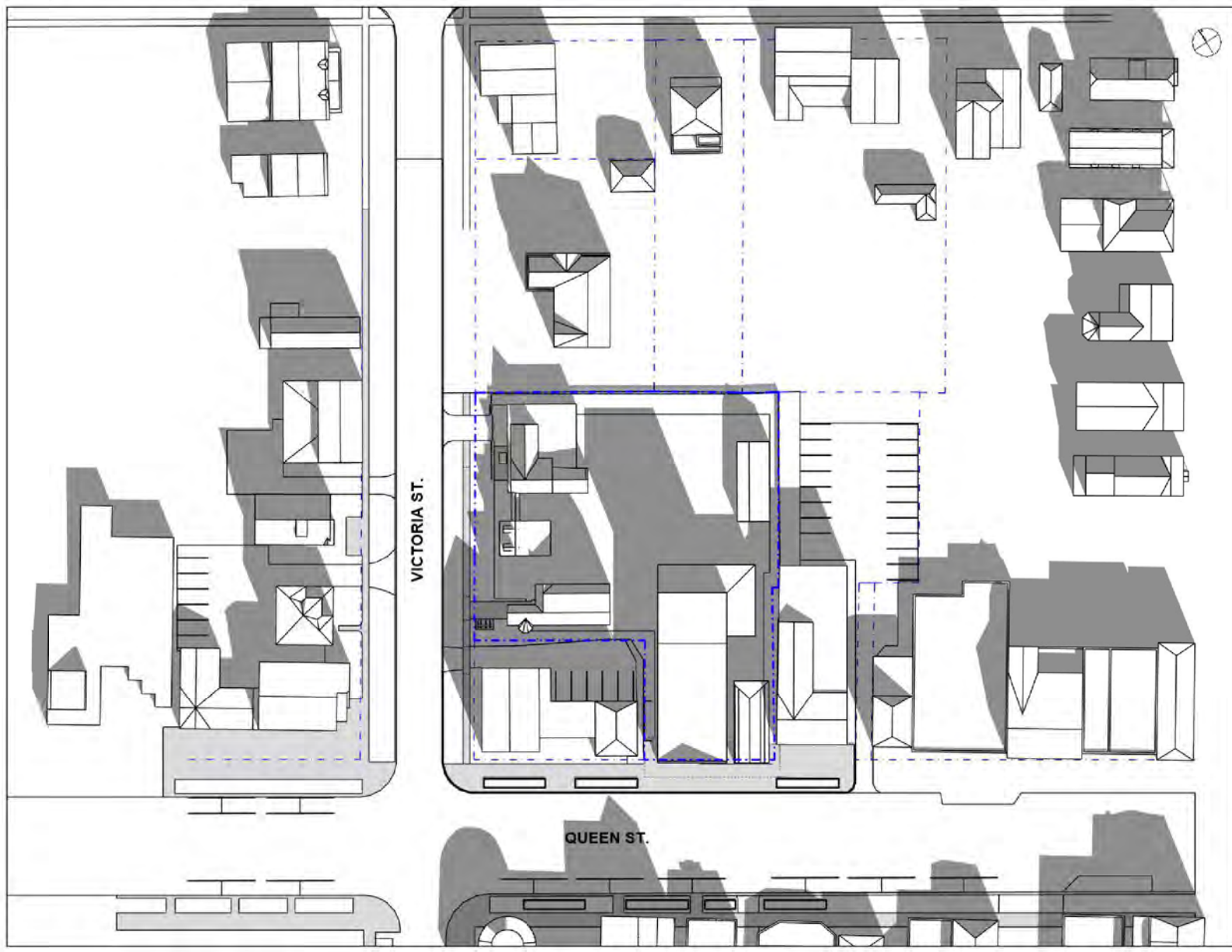
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[3 of 9] [December 21, 2023 - 12:00]



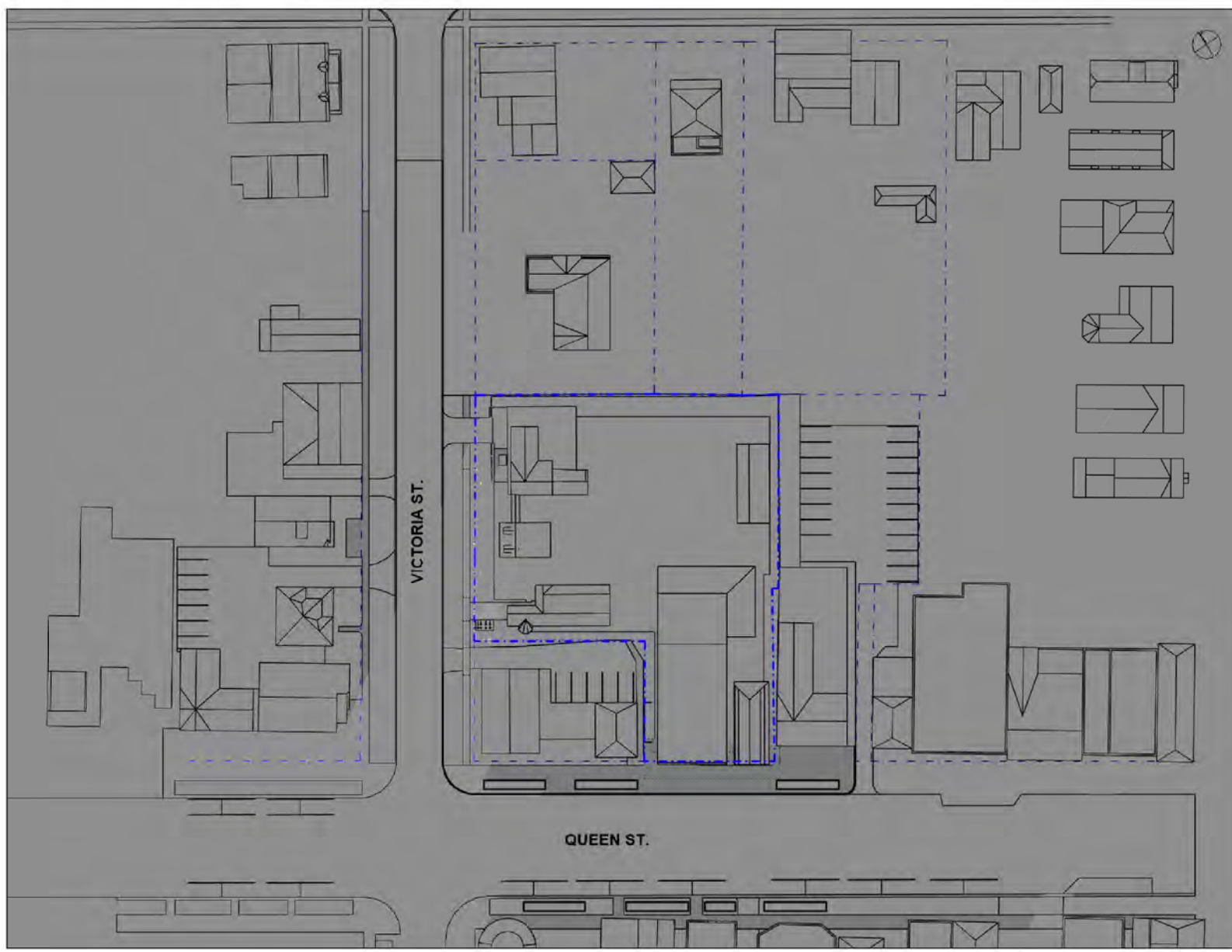
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[7 of 9] [December 21, 2023 - 16:00]



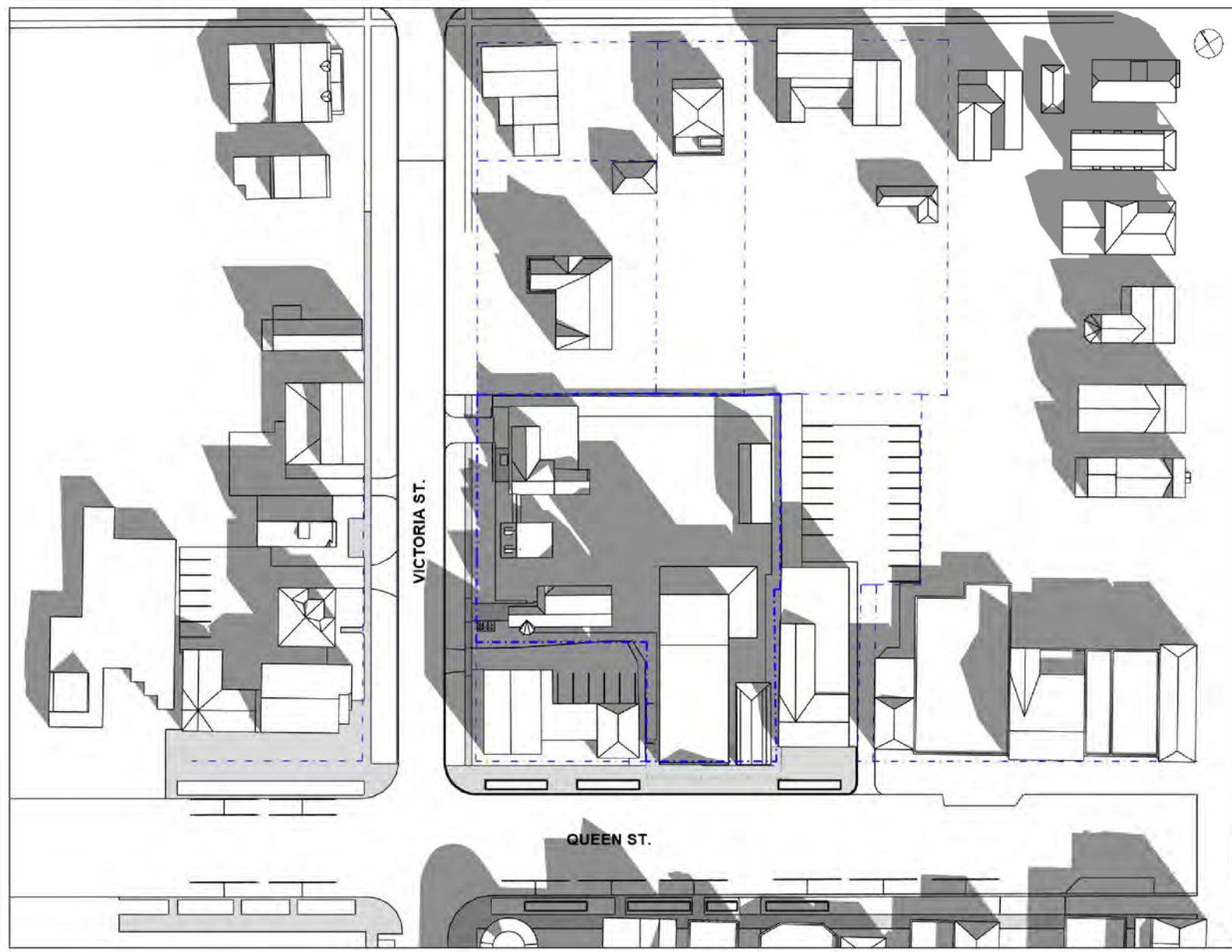
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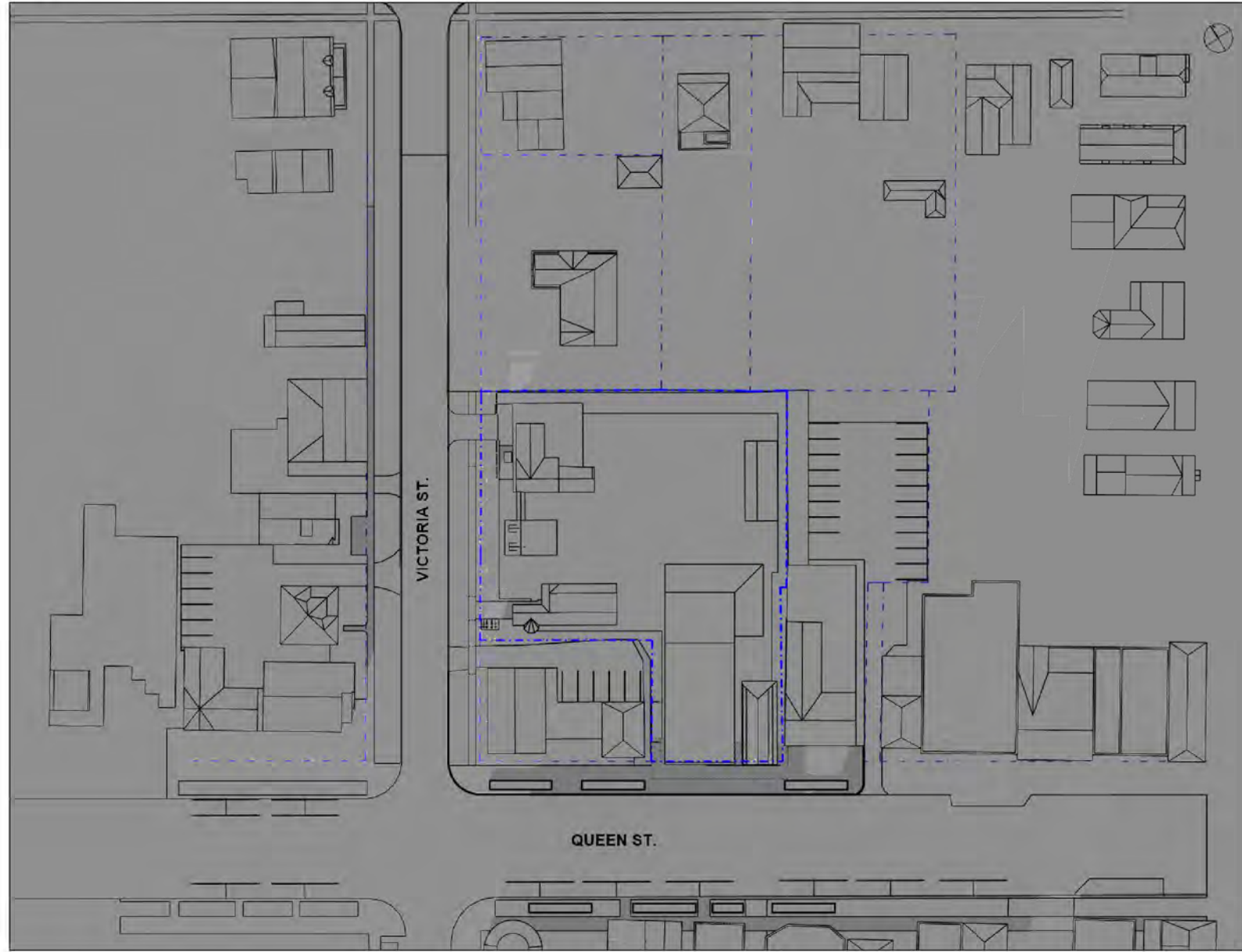
[4 of 9] [December 21, 2023 - 13:00]



[6 of 9] [December 21, 2023 - 15:00]



[8 of 9] [December 21, 2023 - 17:00]



NOTE

TIME DURATION

10:00 AM - 6:00 PM

SUNRISE/SUNSET

SEPTEMBER

SUNRISE - 7:02 AM

SUNSET - 7:16 PM

DECEMBER

SUNRISE - 7:46 AM

SUNSET - 4:44 PM

ISSUE / REVISIONS

1 ISSUED FOR RE-ZONING MAY 20 25

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CONSTRUCTION
DOCUMENTATION

PROJECT No. 22-140

START DATE JAN. 2023

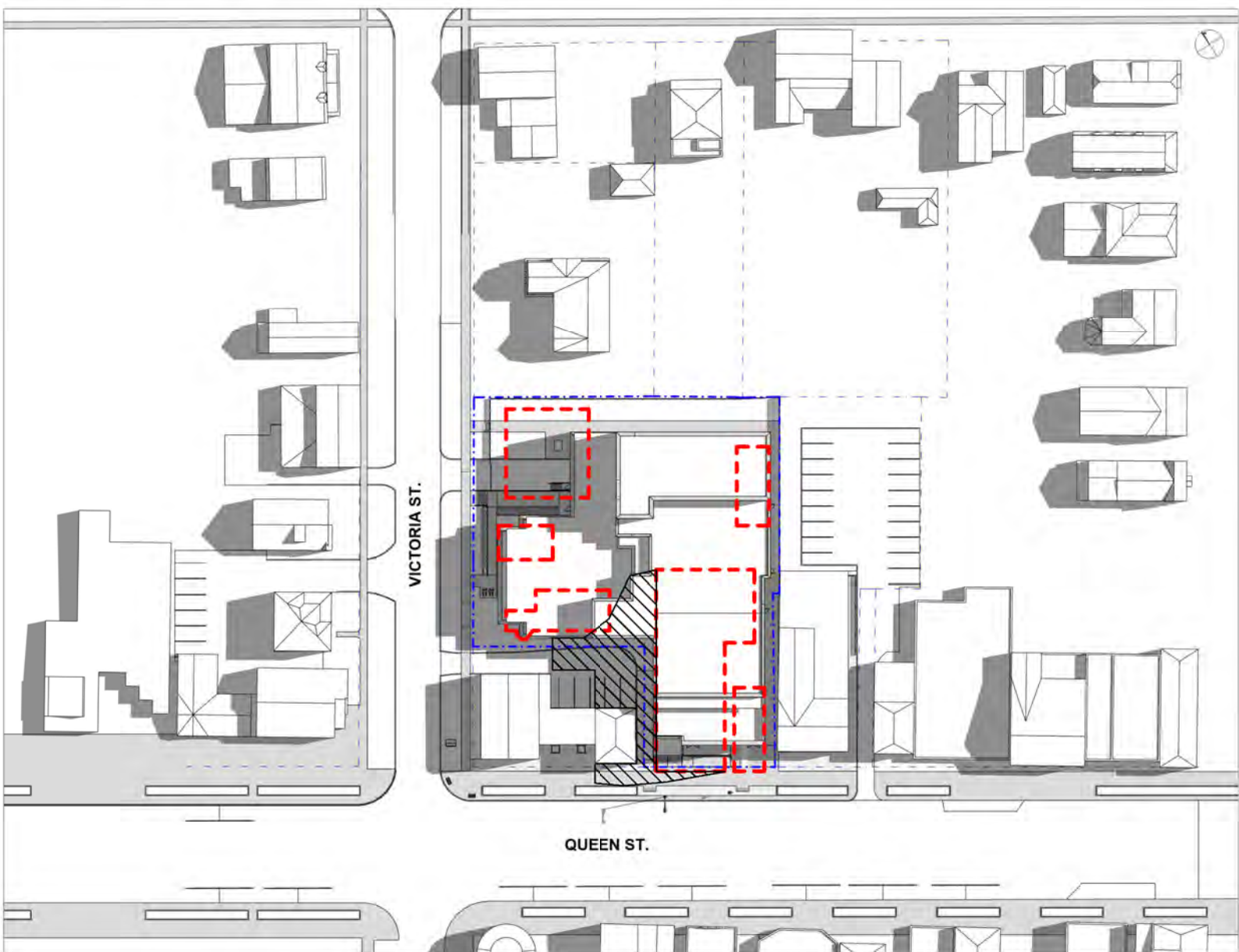
SHAW FESTIVAL
NEW ROYAL GEORGE
THEATRE

Address:

Niagara on the Lake ON.

EXISTING - SHADOW
STUDY - SEPTEMBER
21 & DECEMBER 21

[1 of 9] [April 21, 2023 - 10:00]



[3 of 9] [April 21, 2023 - 12:00]



[5 of 9] [April 21, 2023 - 14:00]



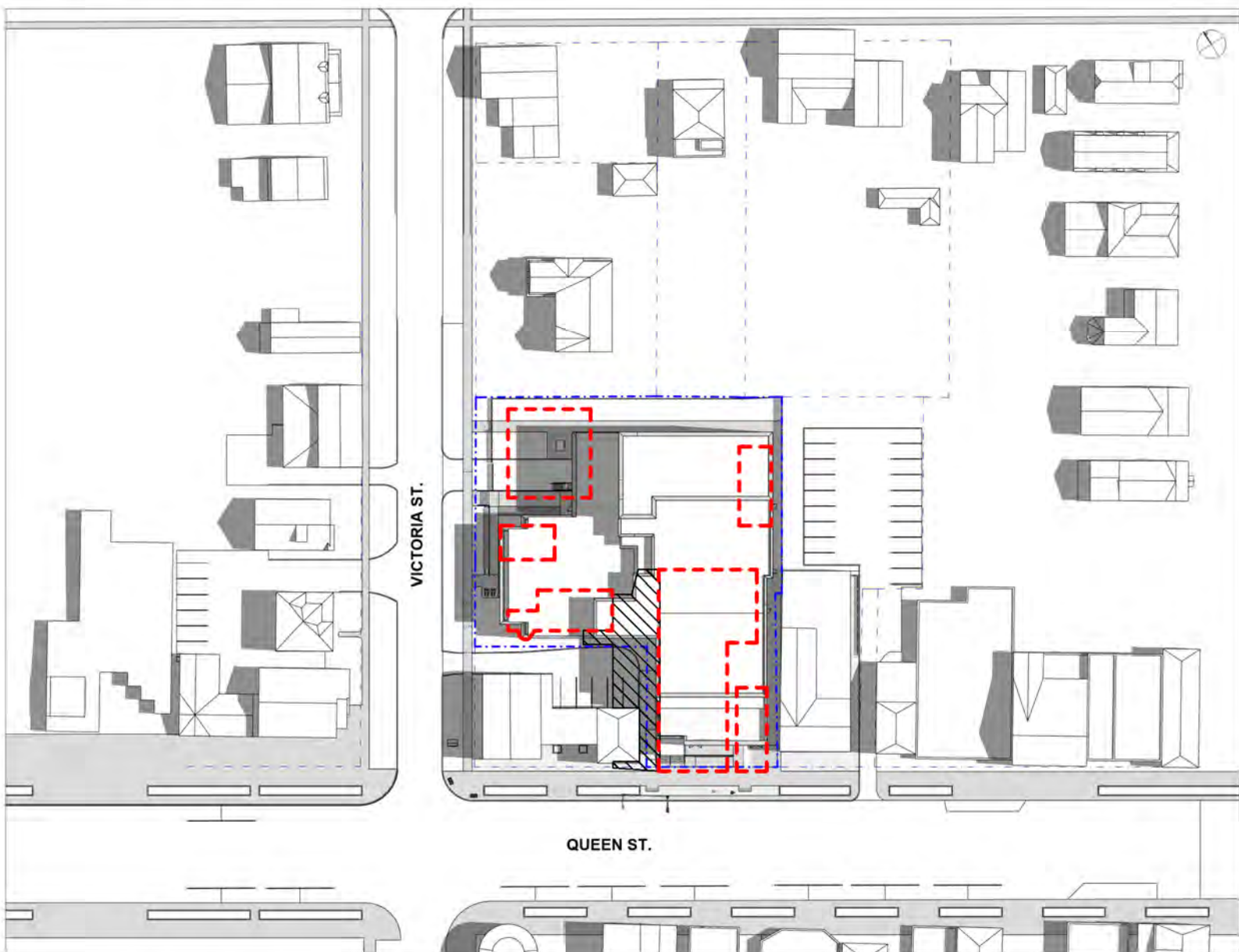
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[9 of 9] [April 21, 2023 - 18:00]



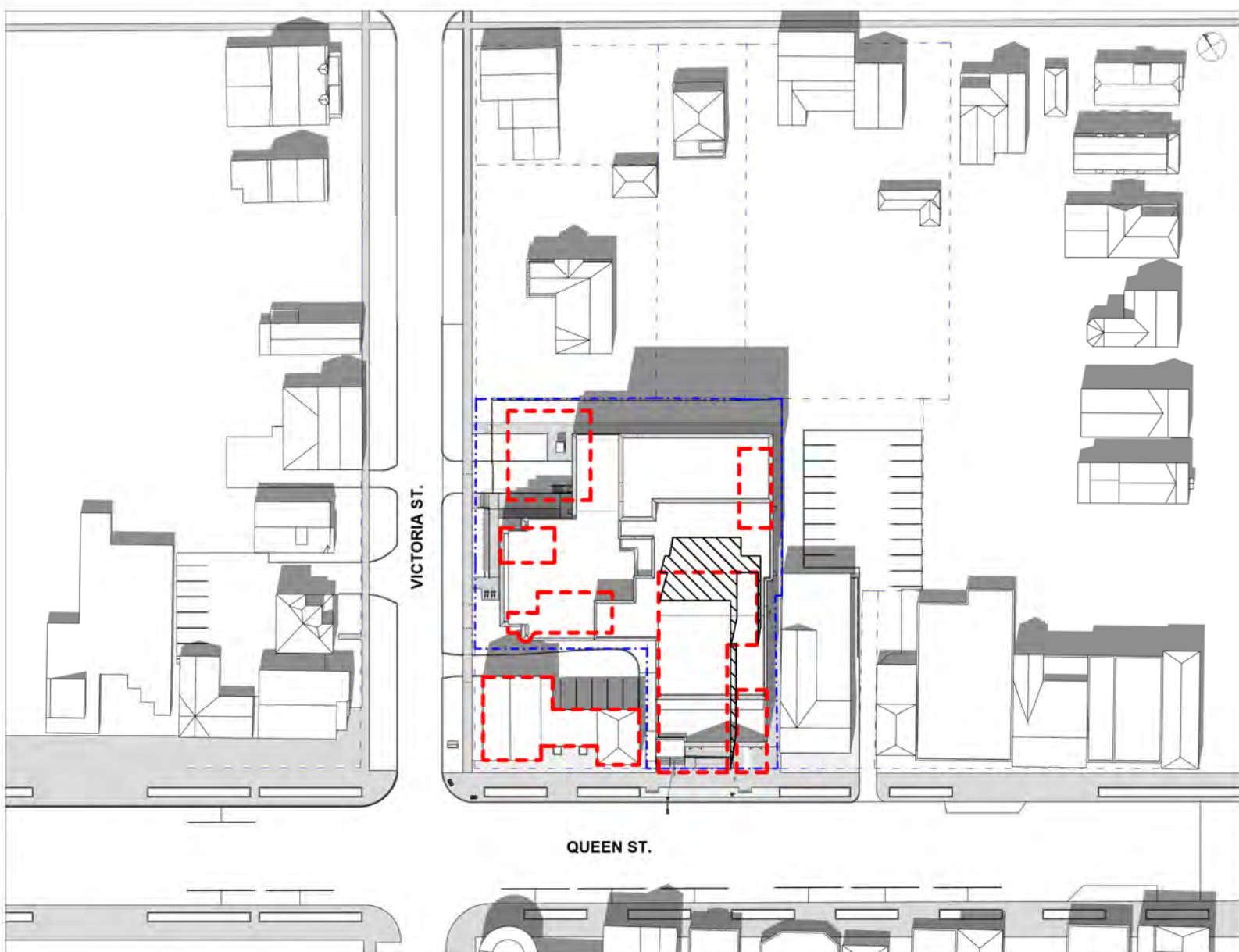
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[4 of 9] [April 21, 2023 - 13:00]



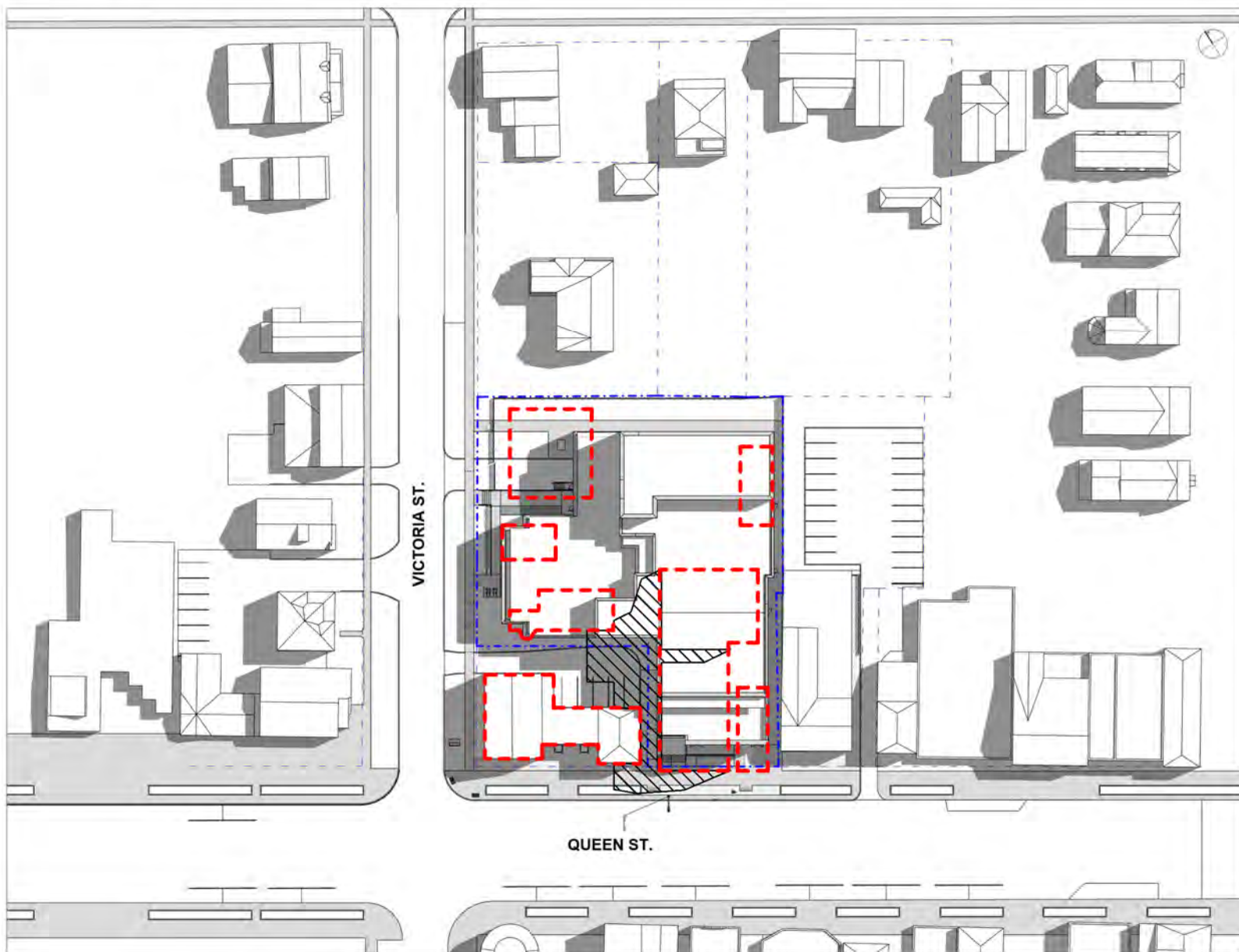
[6 of 9] [April 21, 2023 - 15:00]



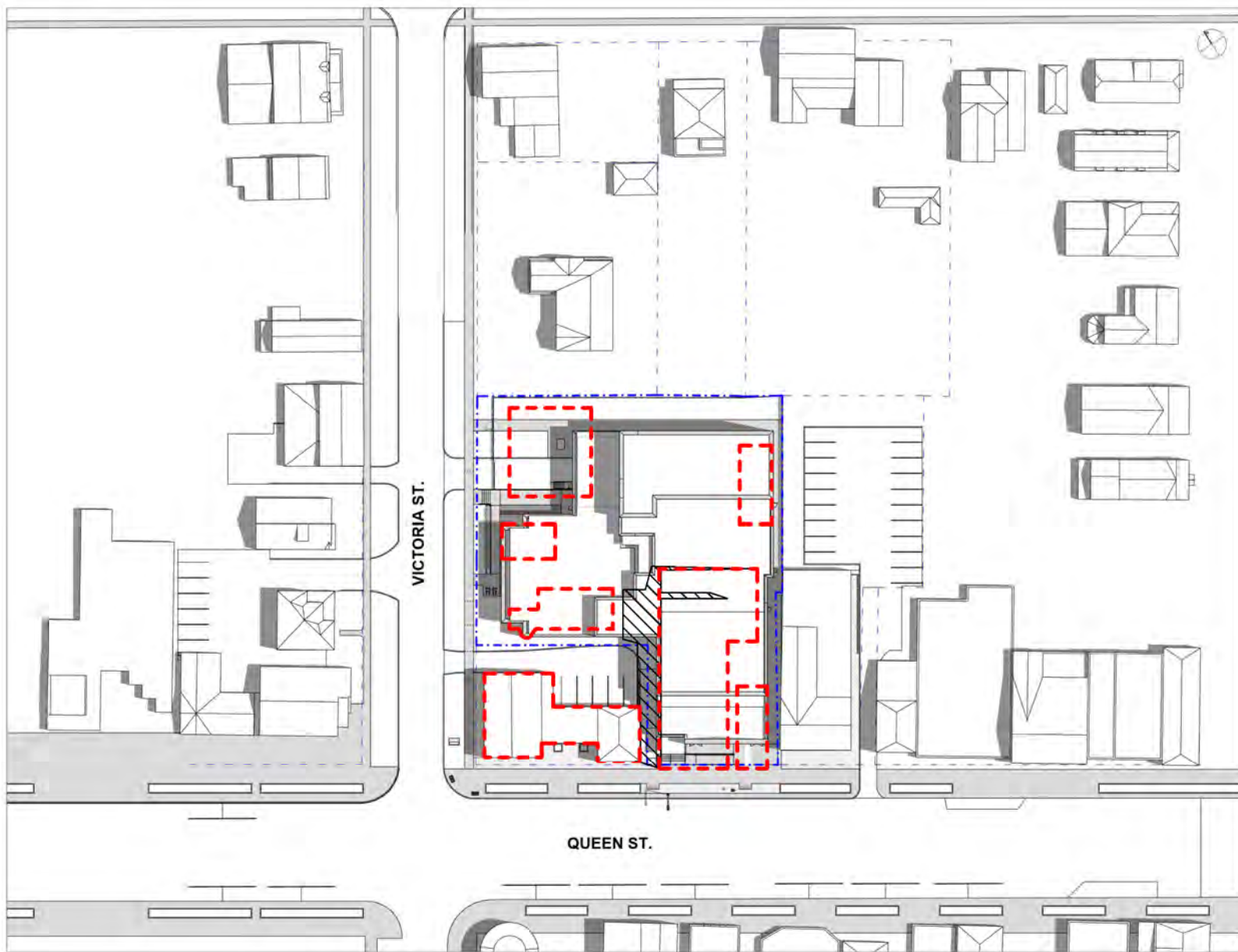
[8 of 9] [April 21, 2023 - 17:00]



[1 of 9] [June 21, 2023 - 10:00]



[3 of 9] [June 21, 2023 - 12:00]



[5 of 9] [June 21, 2023 - 14:00]



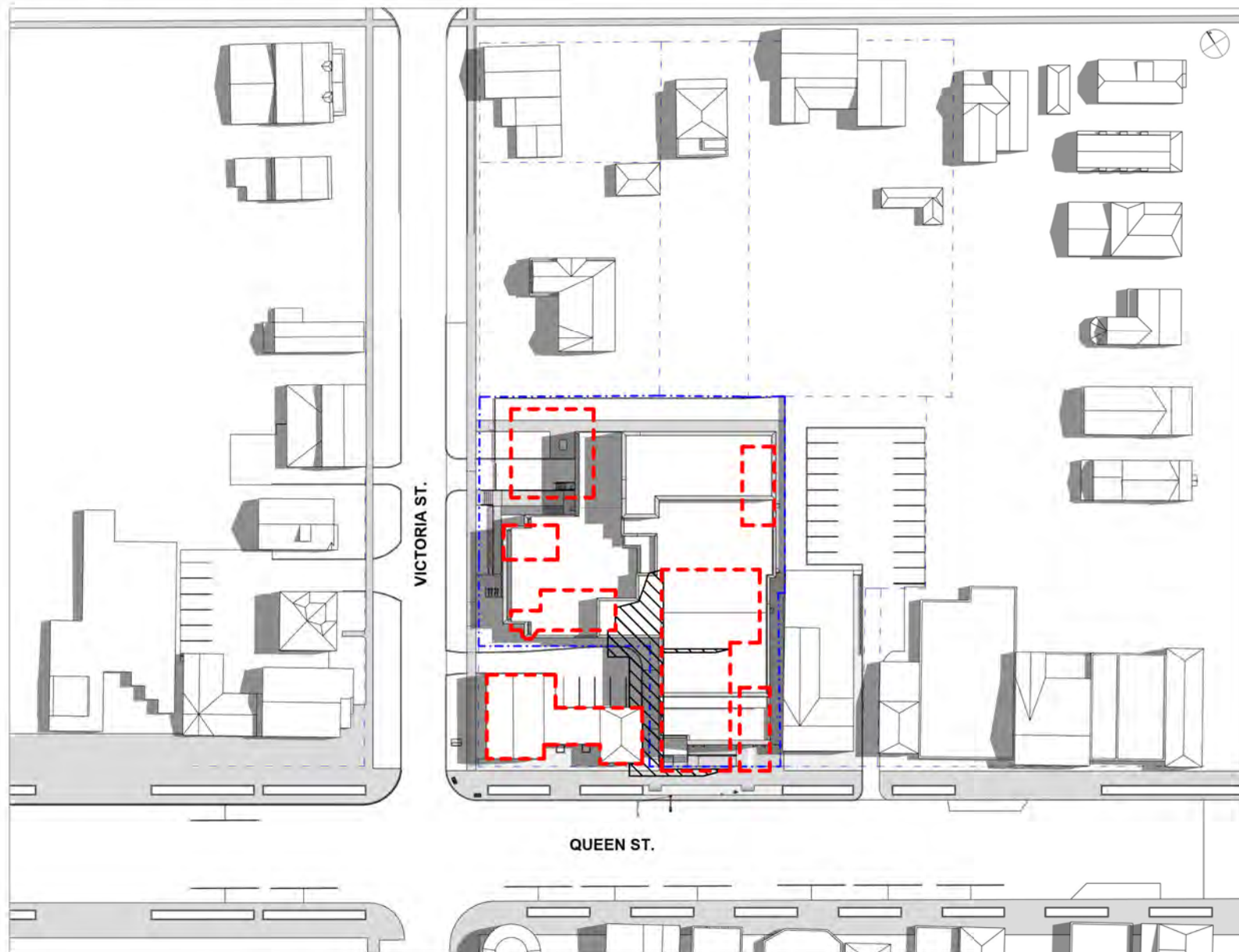
[7 of 9] [June 21, 2023 - 16:00]



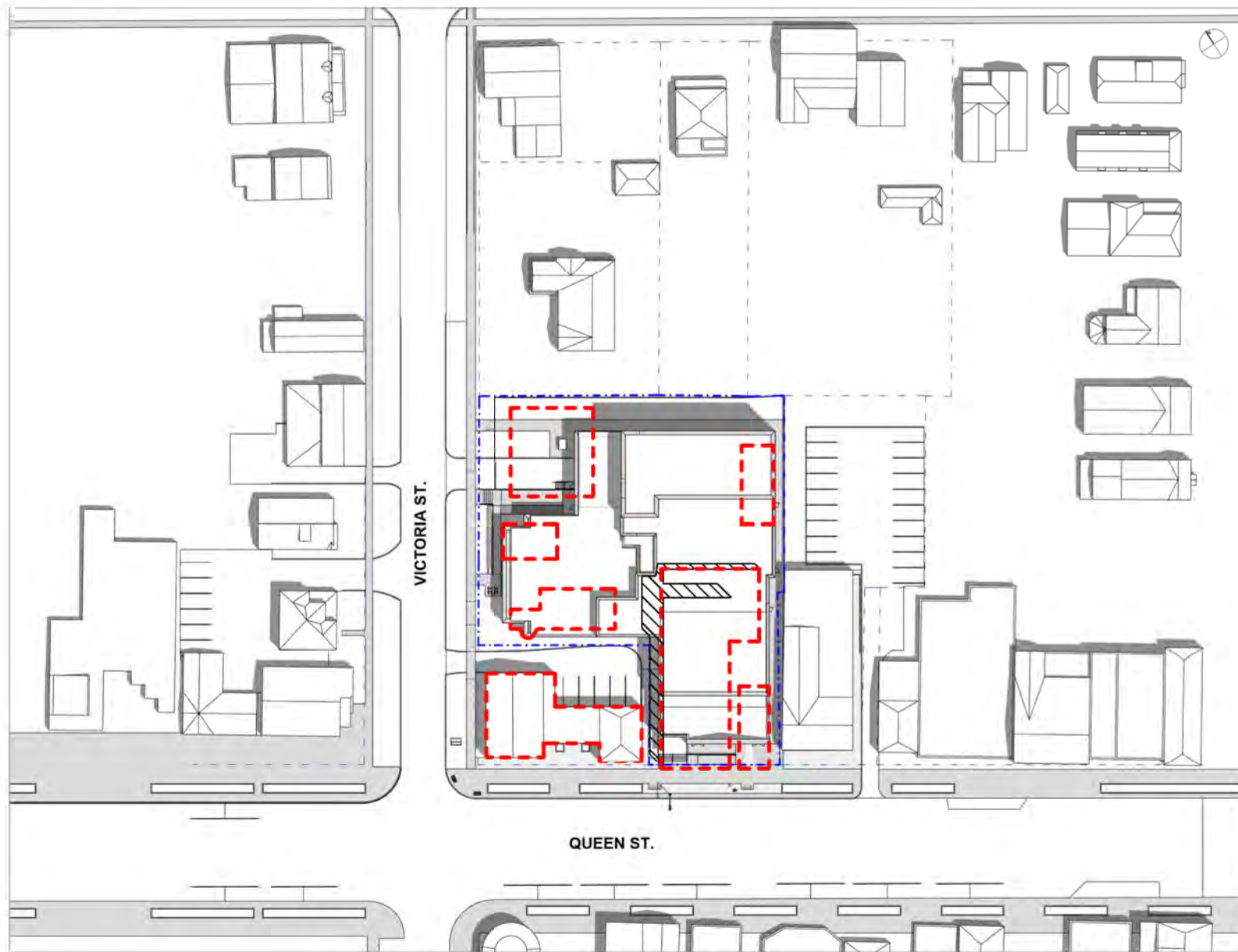
[9 of 9] [June 21, 2023 - 18:00]



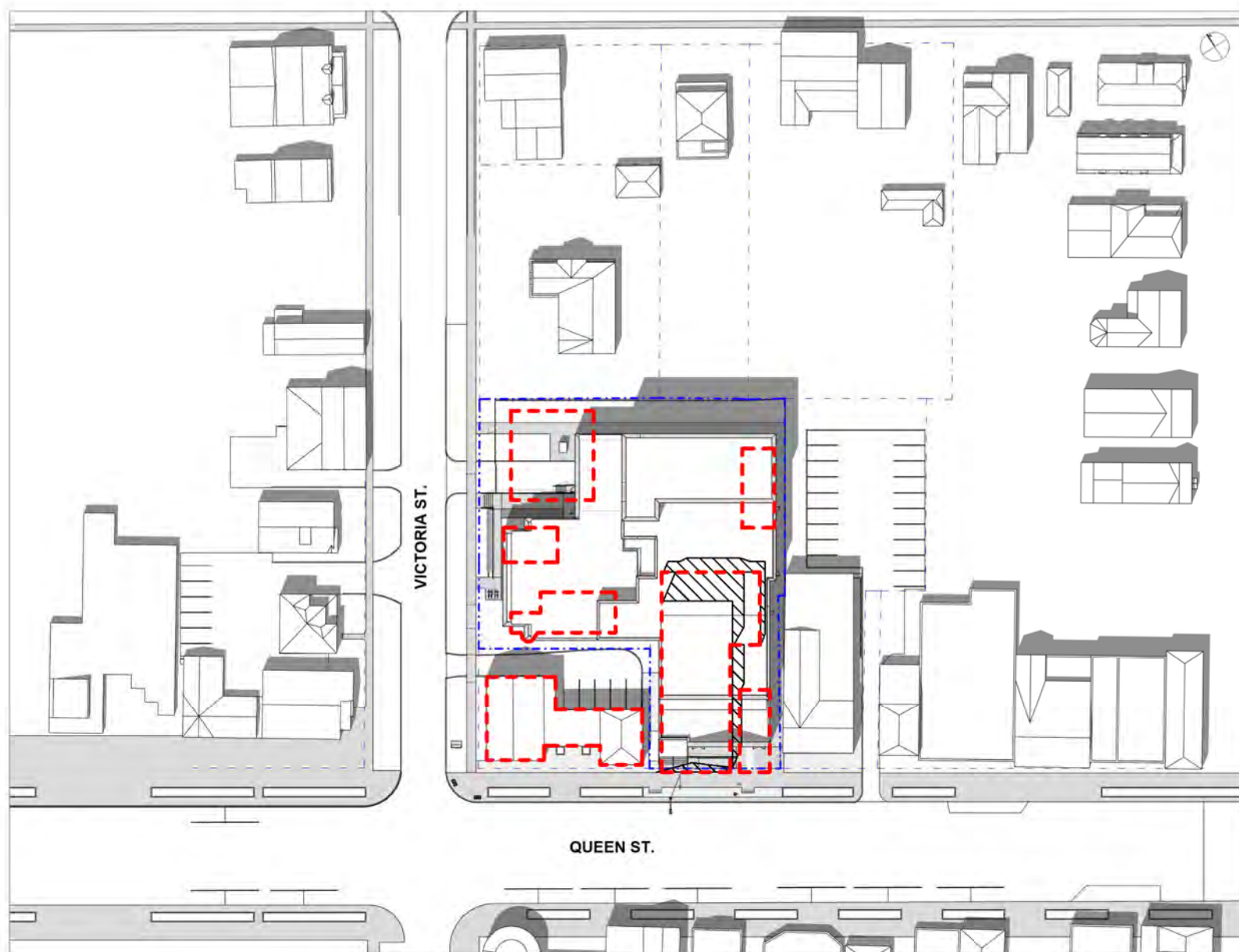
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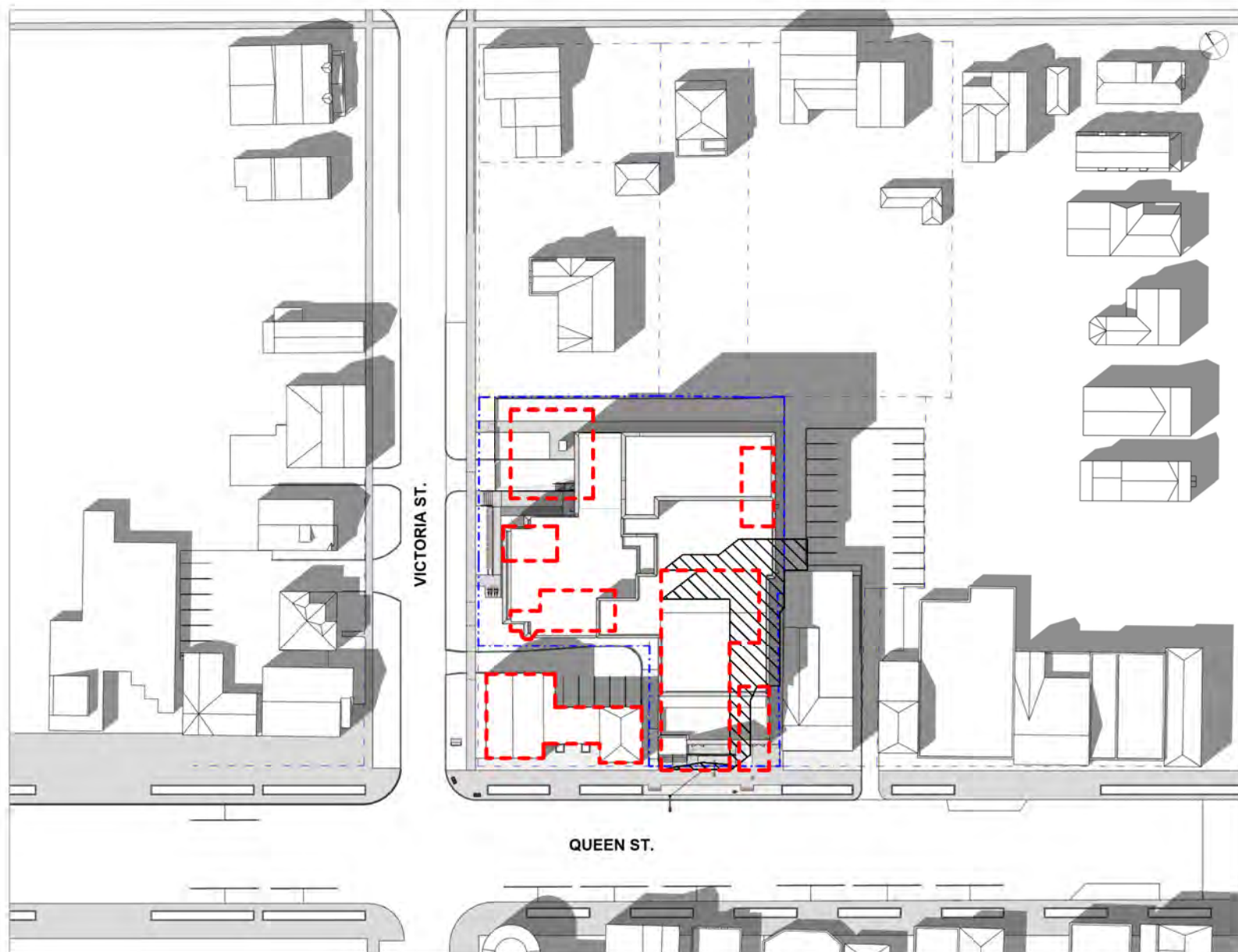
[4 of 9] [June 21, 2023 - 13:00]



[6 of 9] [June 21, 2023 - 15:00]



[8 of 9] [June 21, 2023 - 17:00]



NOTE

TIME DURATION

10:00 AM - 6:00 PM

SUNRISE/SUNSET

APRIL

SUNRISE - 6:25 AM

SUNSET - 8:06 PM

JUNE

SUNRISE - 5:36 AM

SUNSET - 9:00 PM

EXISTING BUILDING OUTLINE

EXISTING SHADOW OUTLINE

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DOCUMENTATION

PROJECT No. 22-140

START DATE JAN. 2023

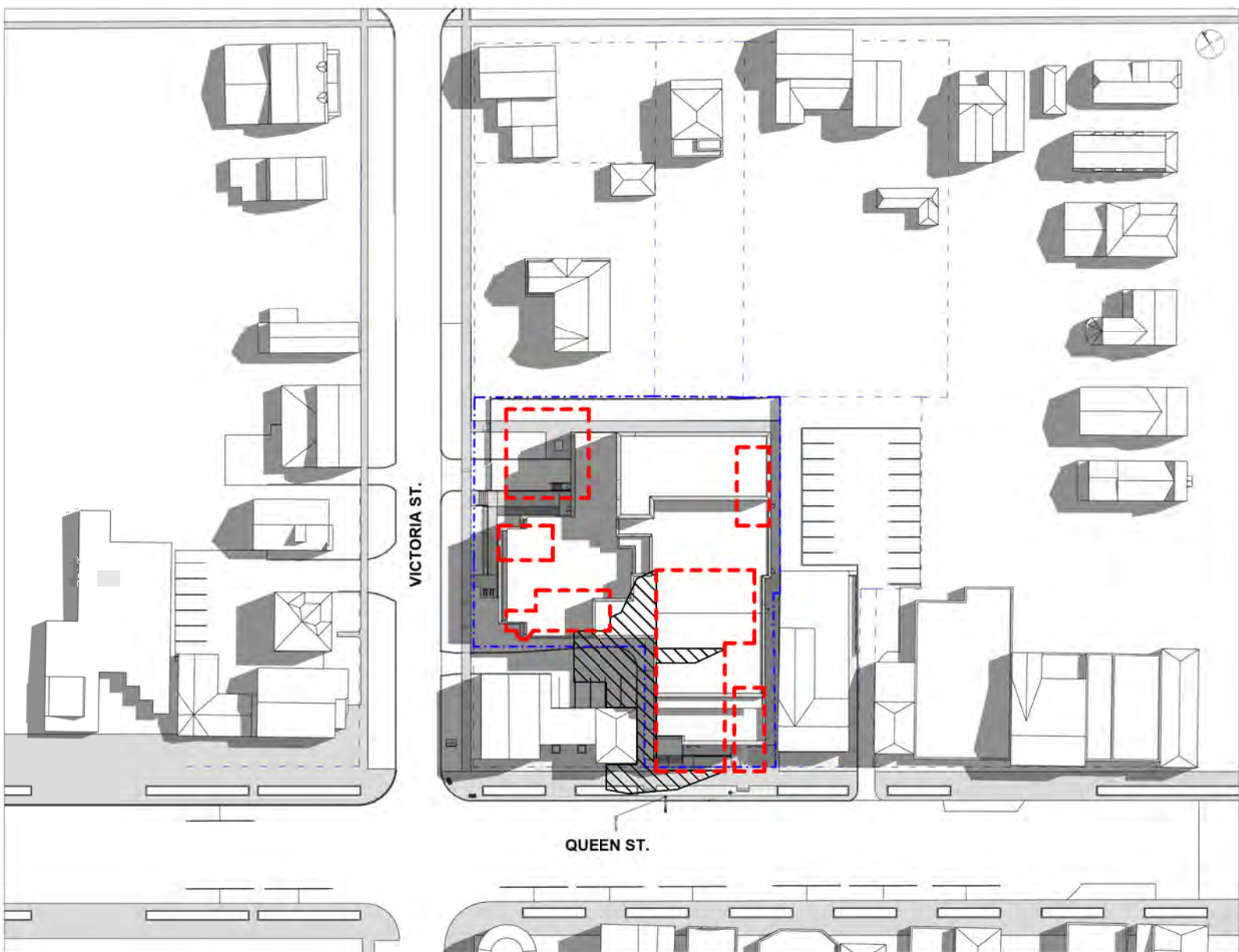
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Niagara on the Lake ON.

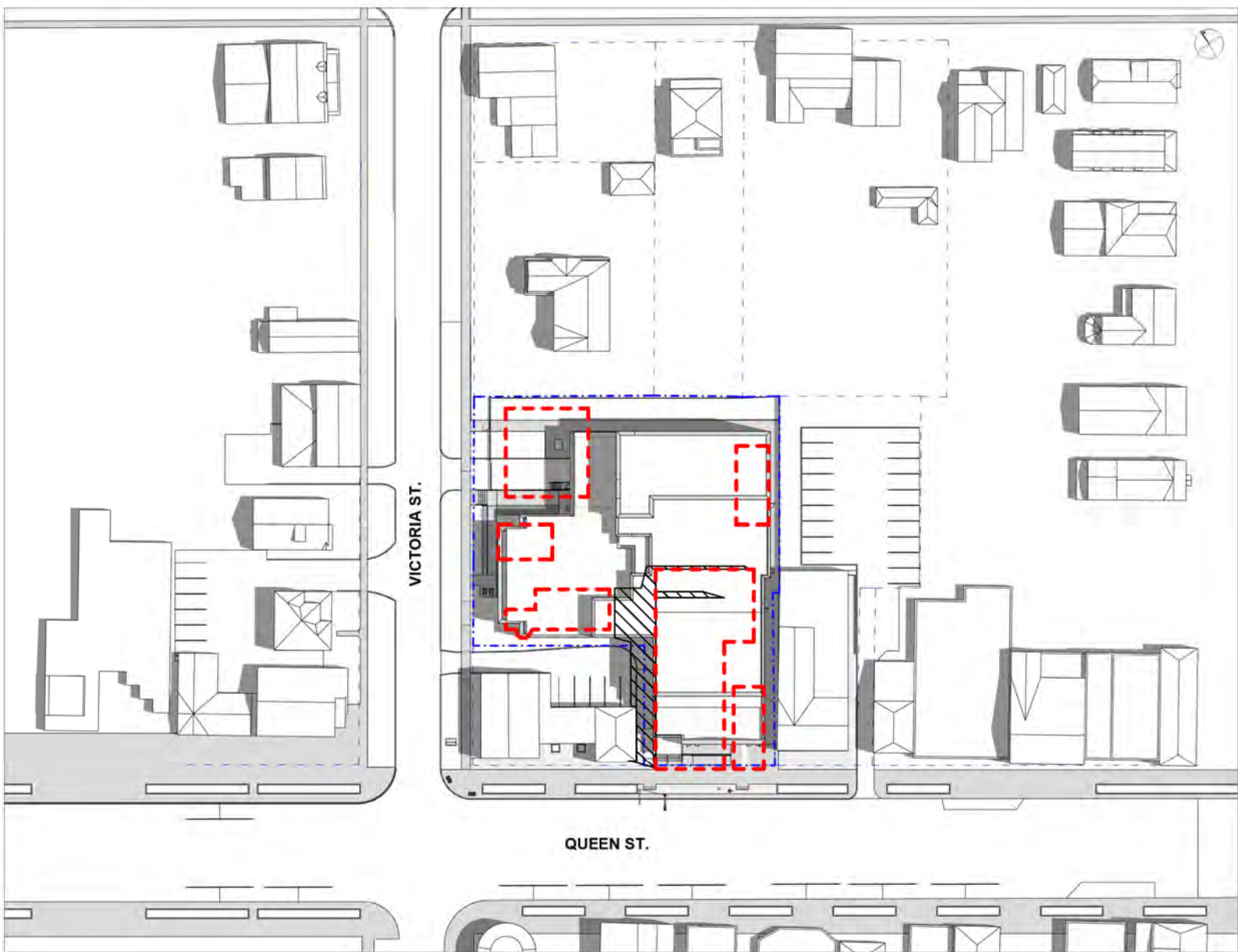
**SHADOW STUDY -
APRIL 21 & JUNE 21**

AS-122

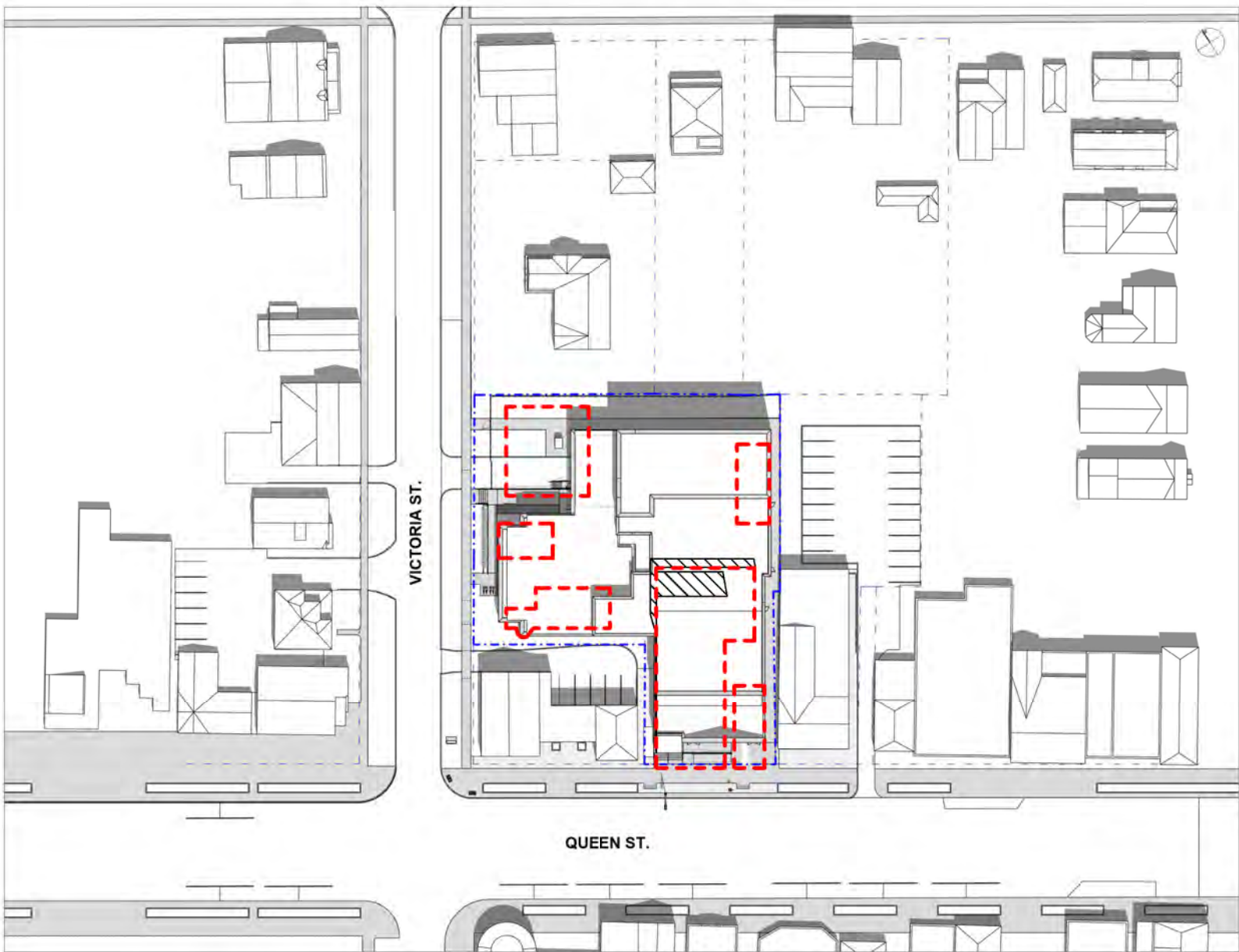
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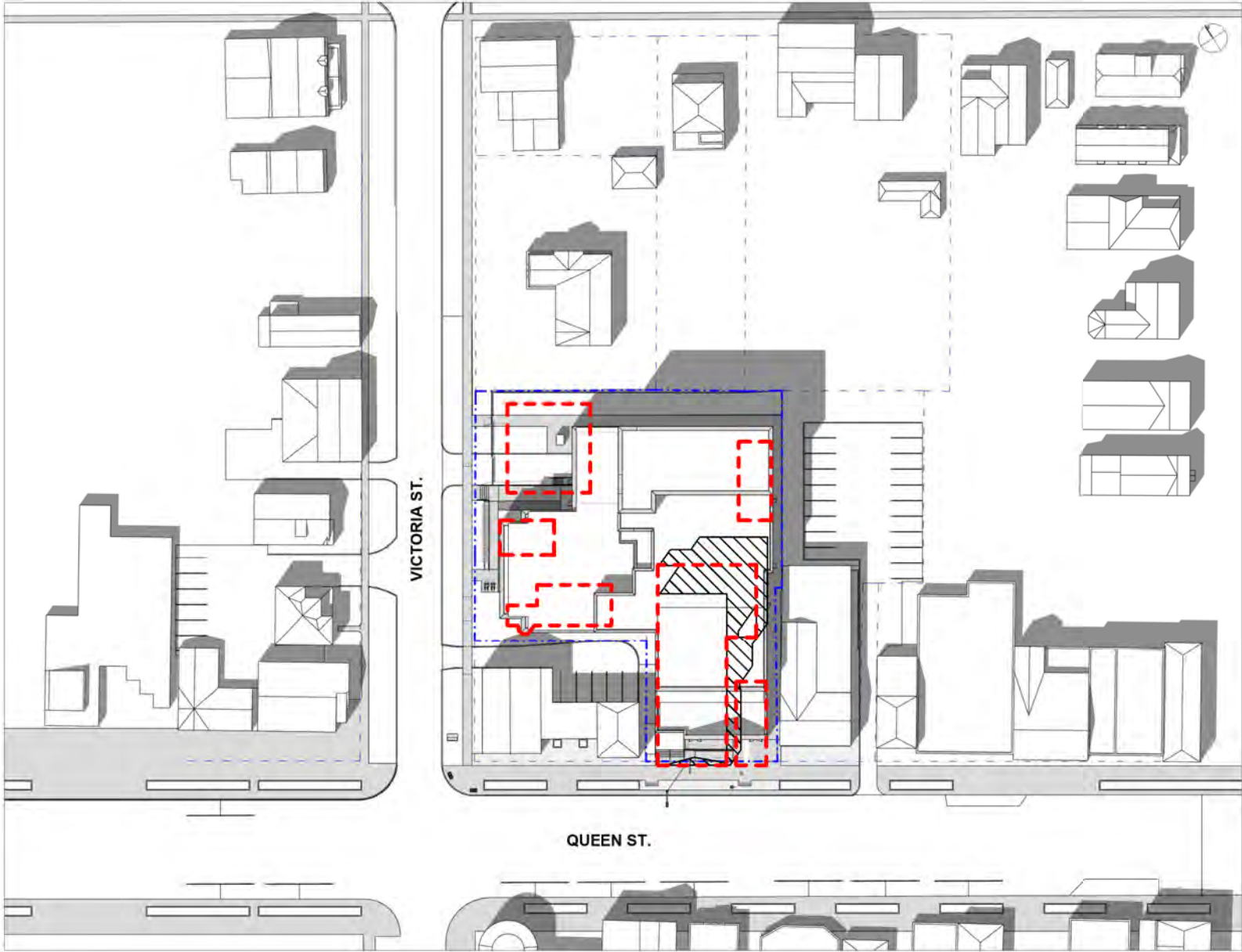
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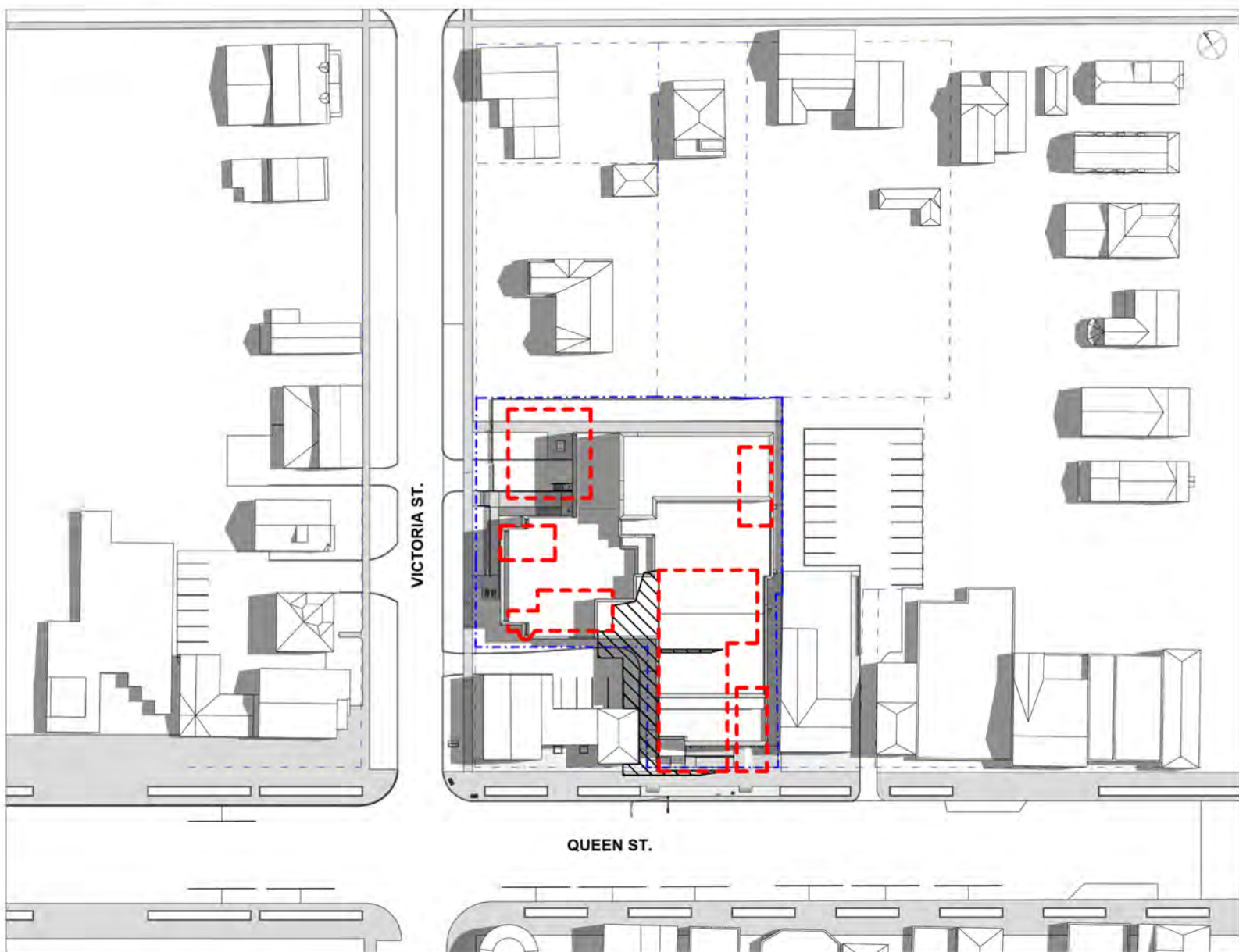
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[5 of 9] [July 21, 2023 - 10:00]



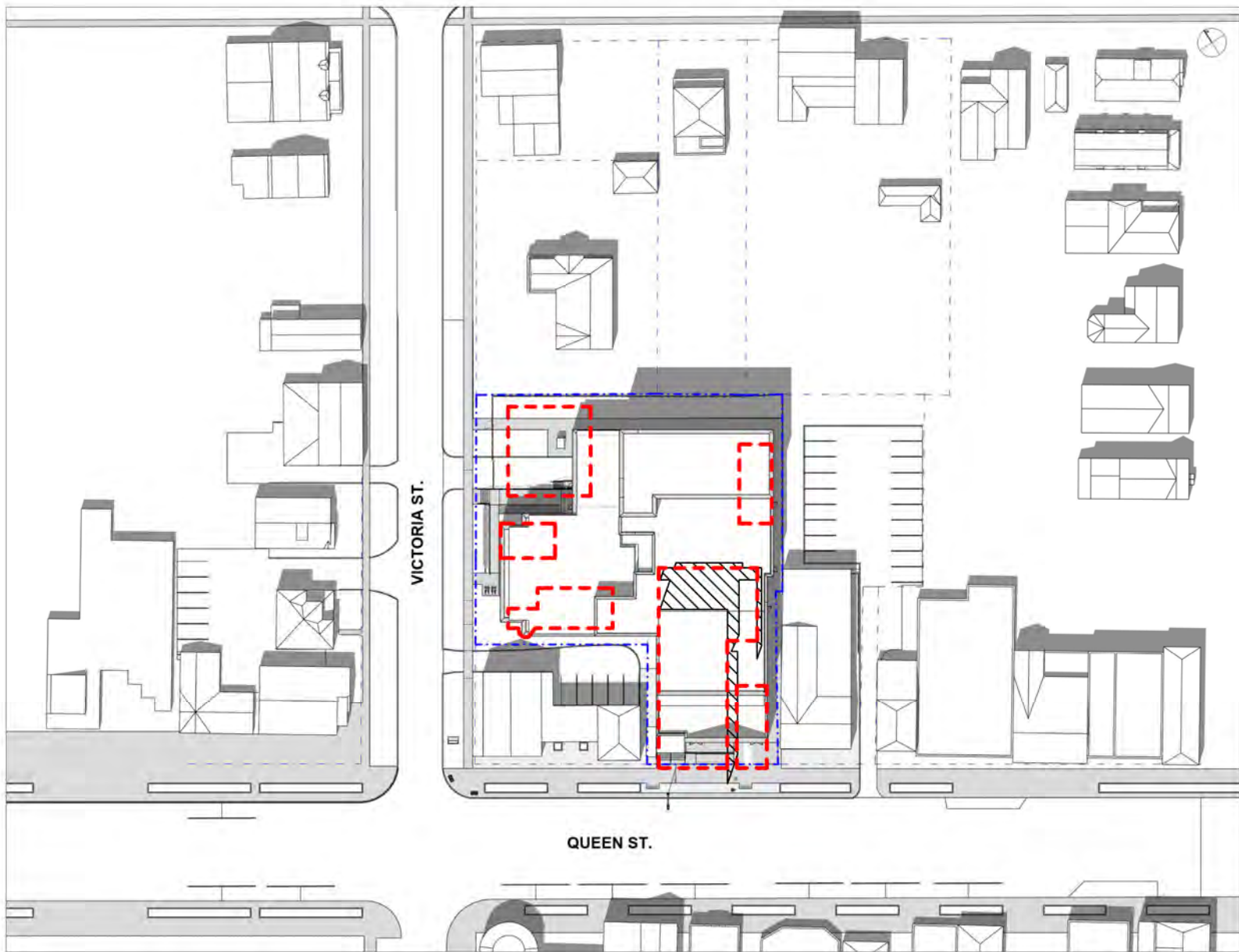
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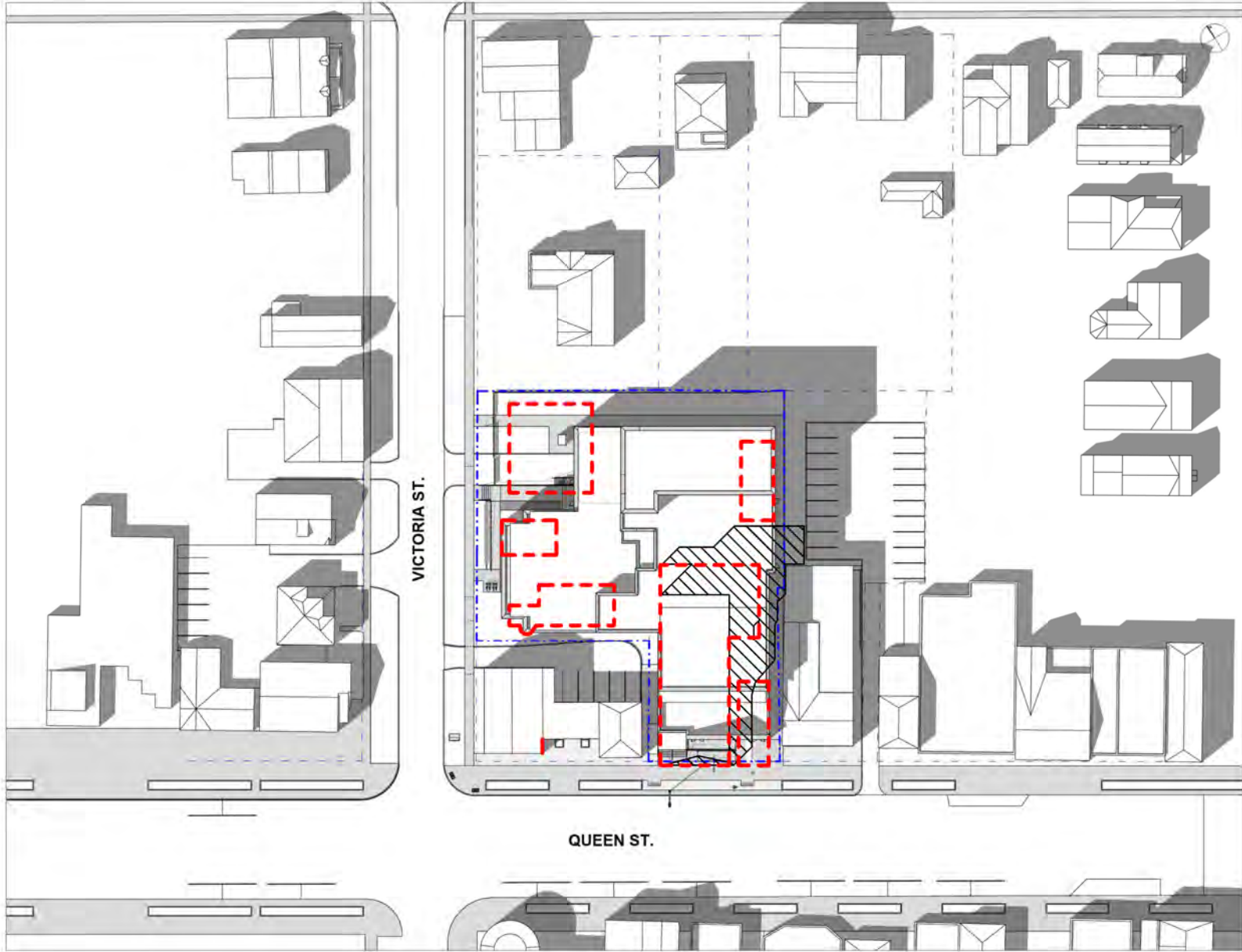
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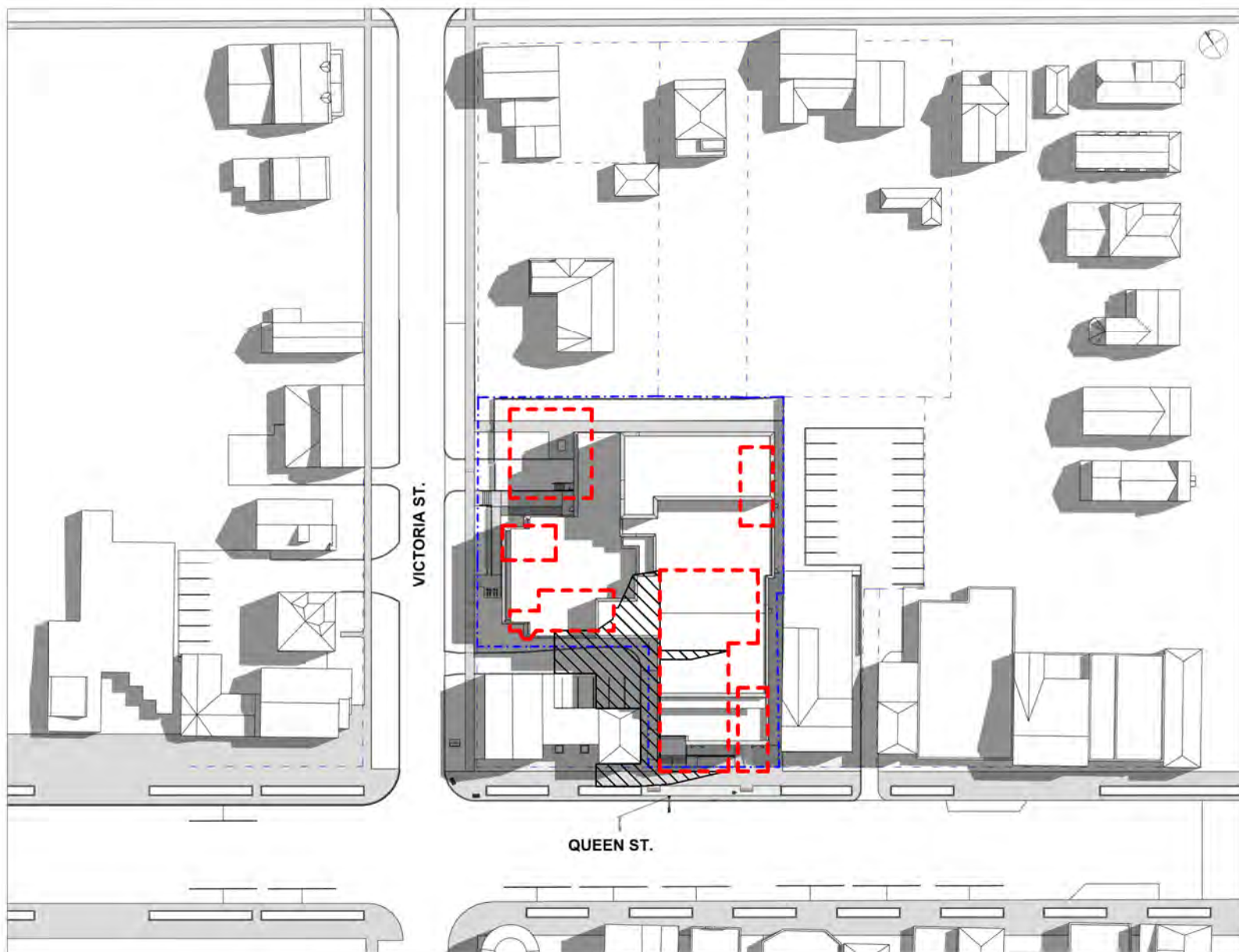
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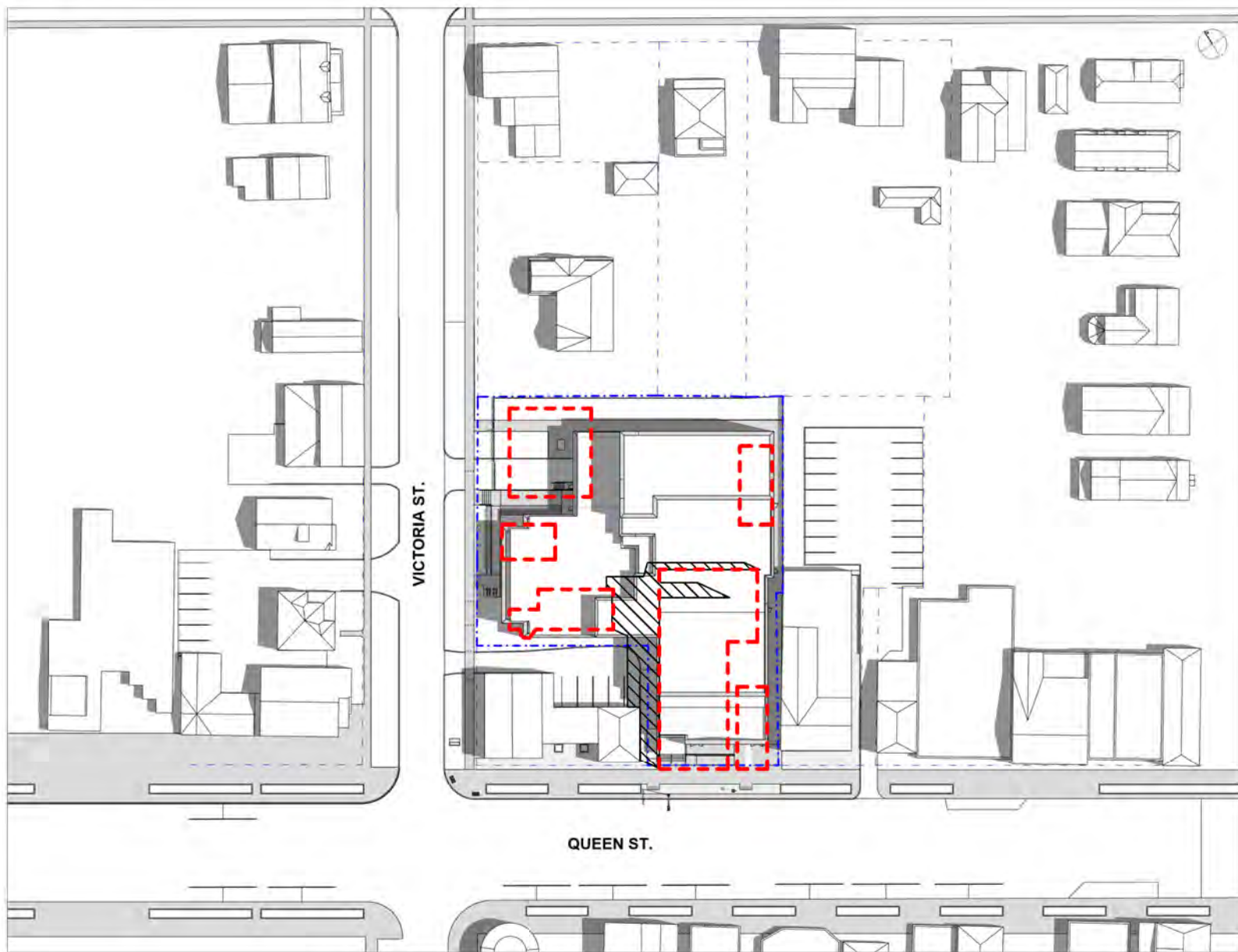
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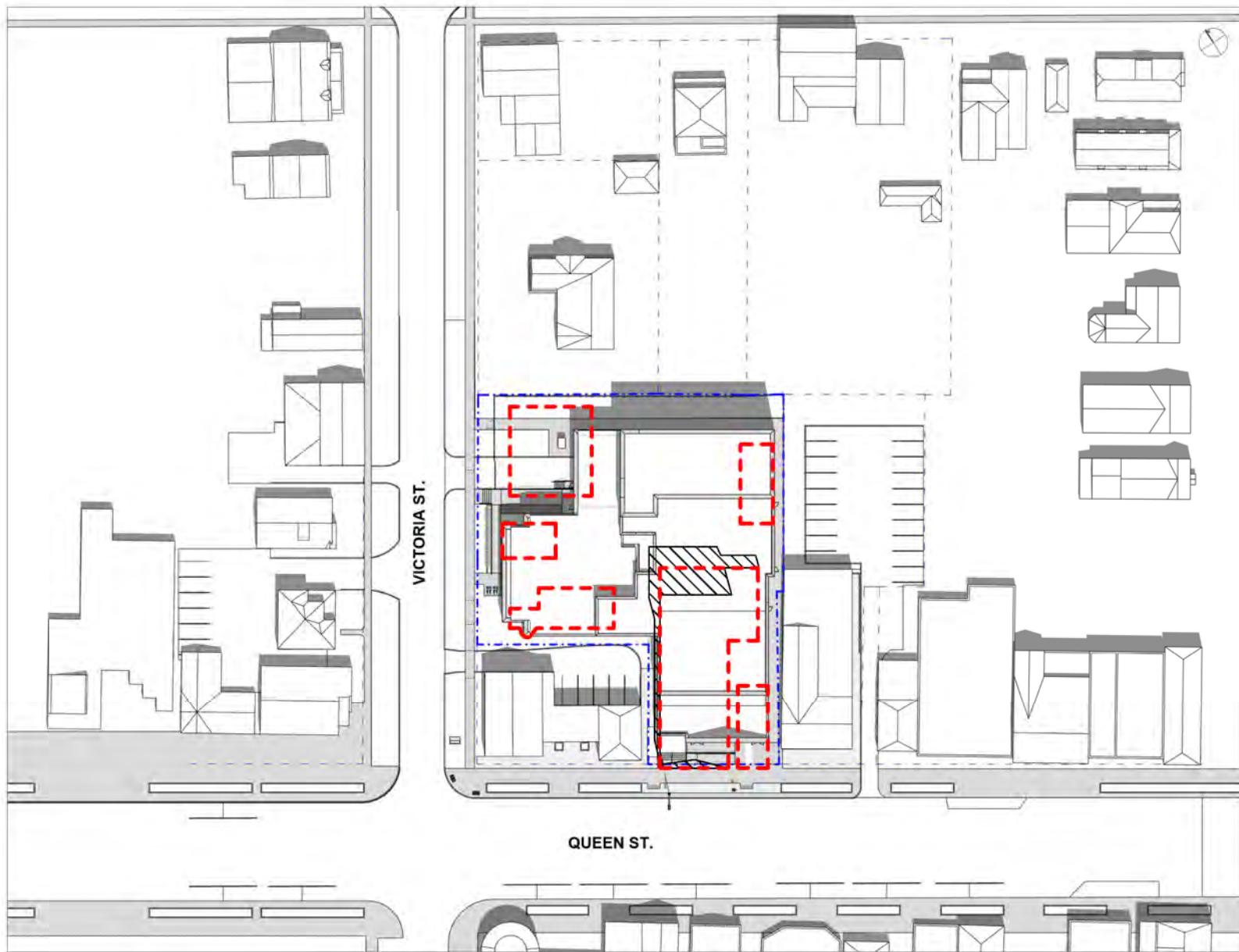
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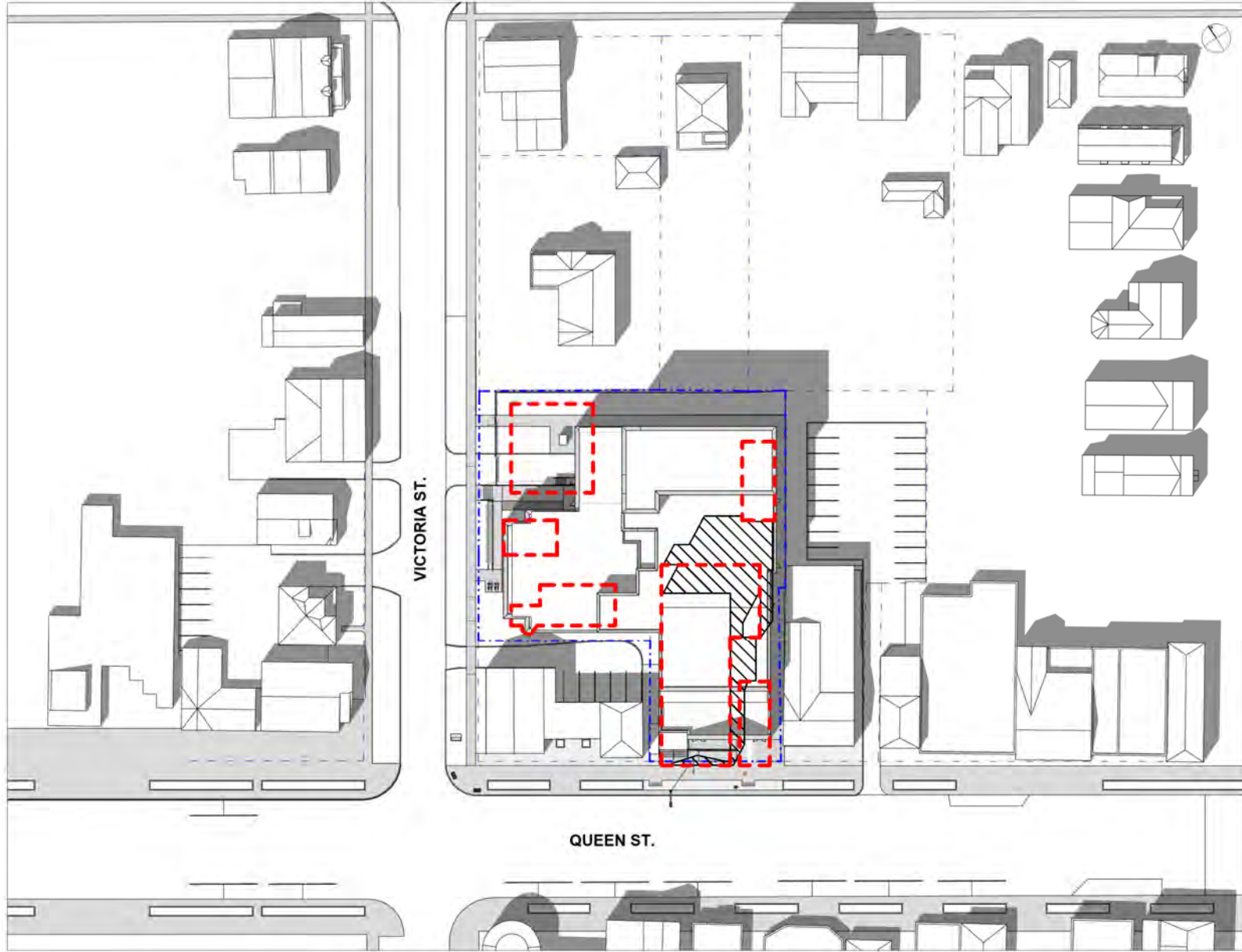
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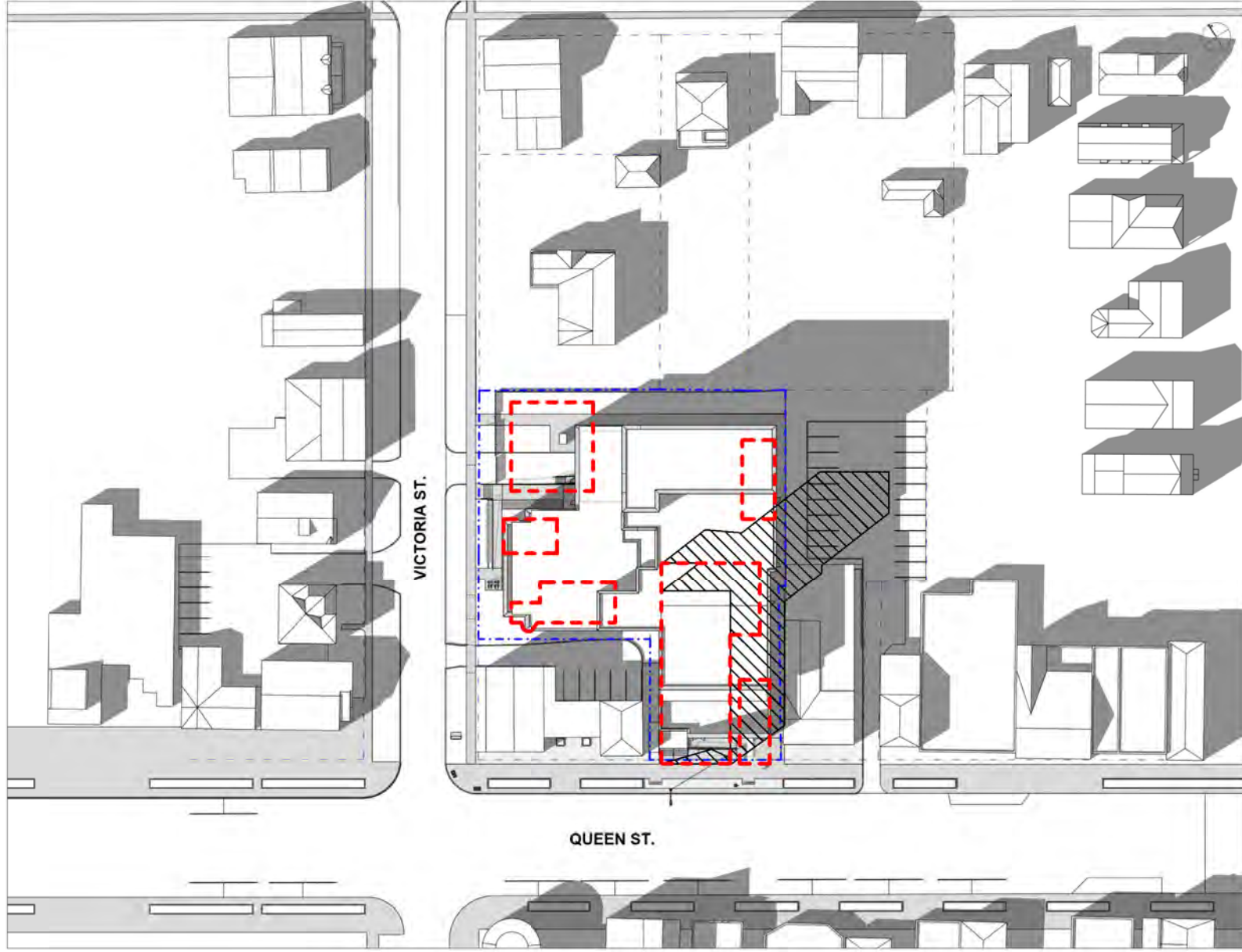
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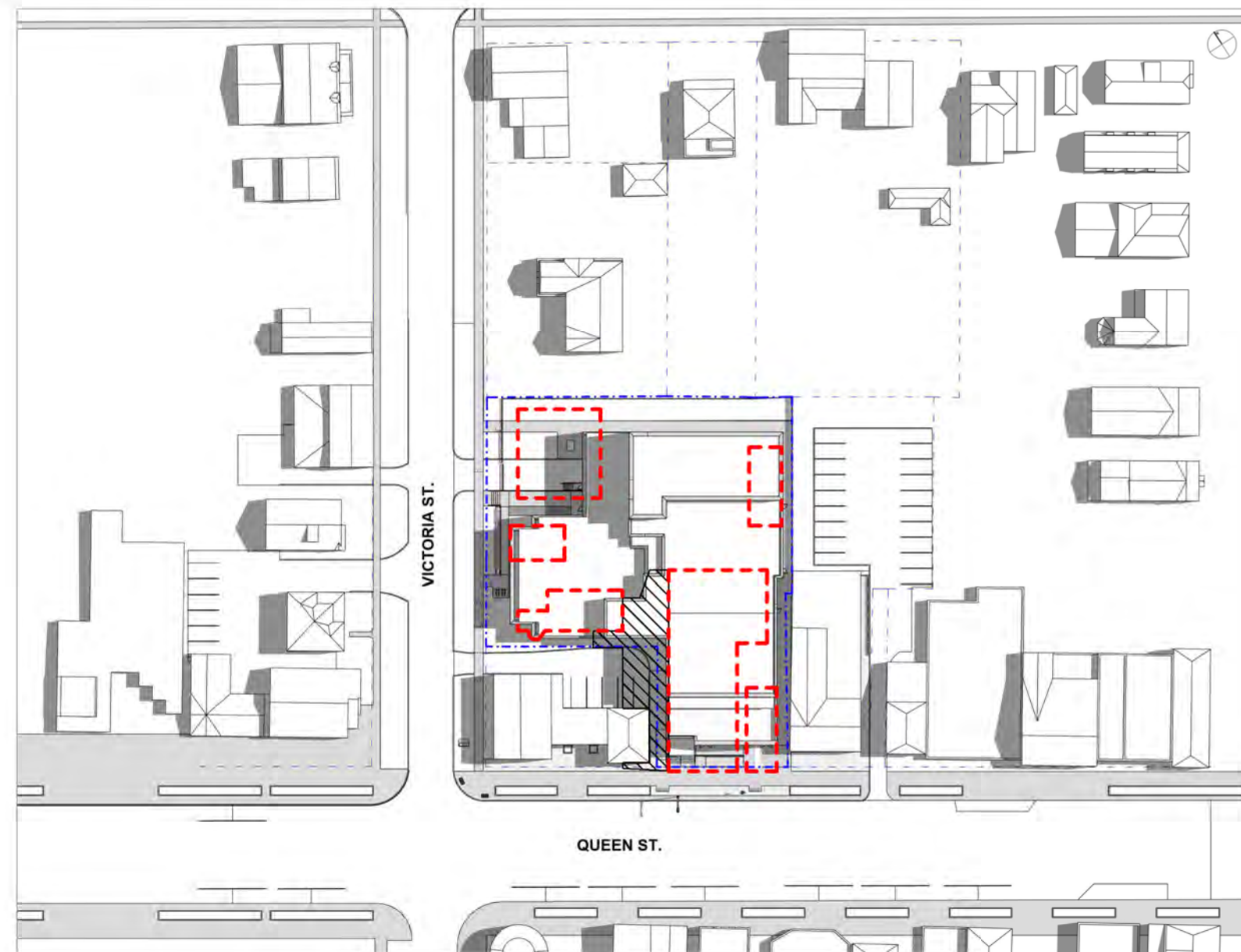
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[5 of 9] [July 21, 2023 - 16:00]



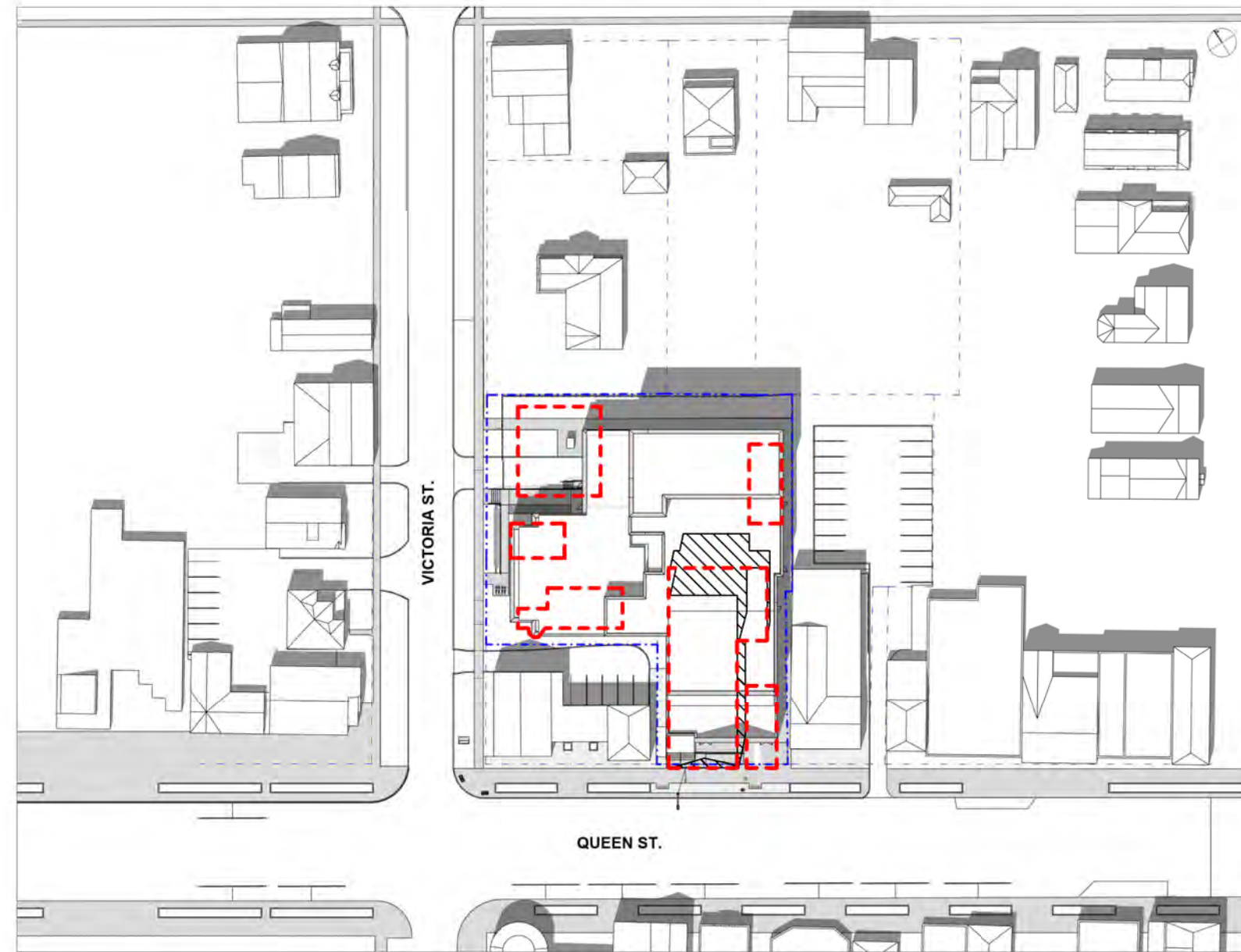
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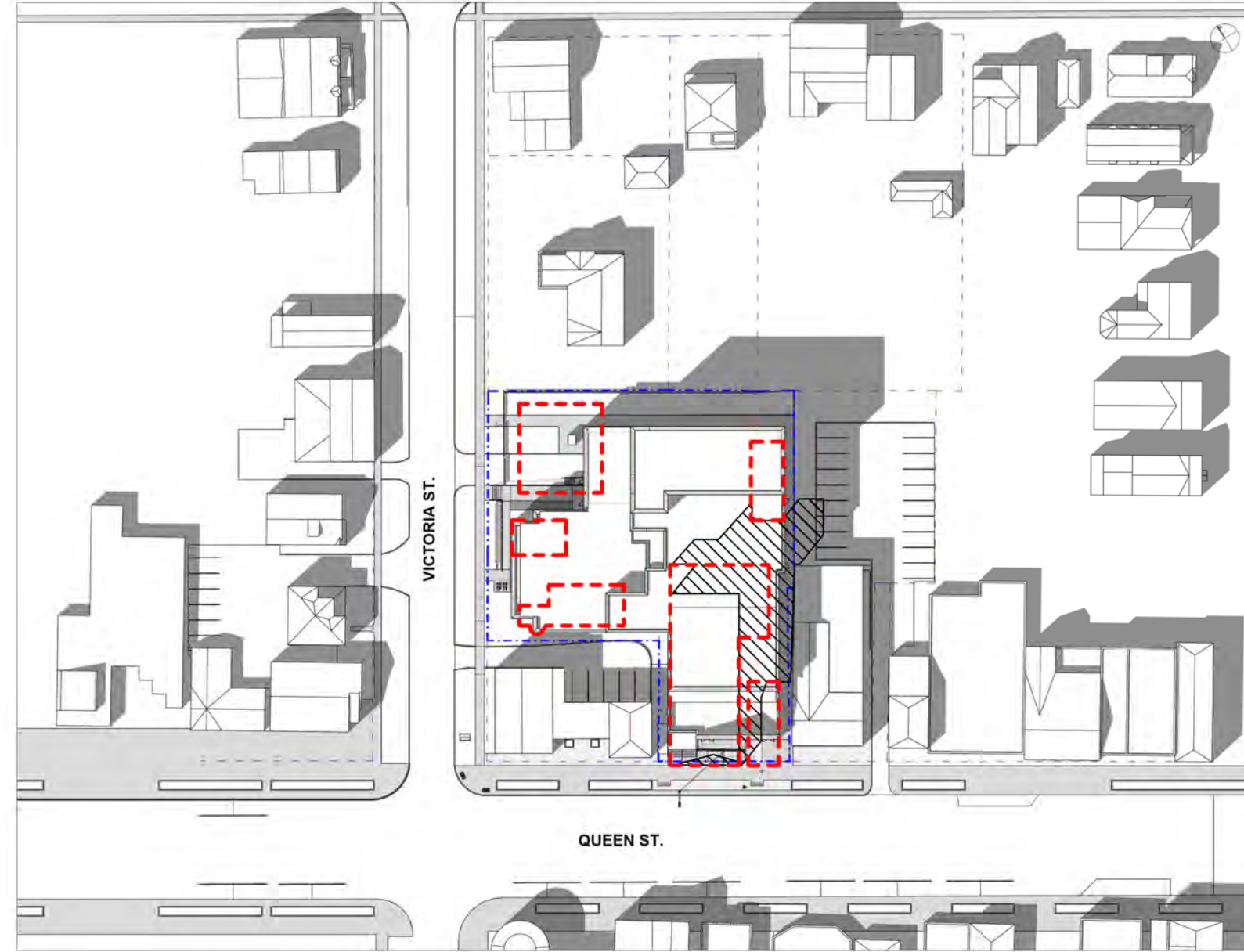
[7 of 9] [July 21, 2023 - 17:00]



[8 of 9] [July 21, 2023 - 17:00]



[9 of 9] [July 21, 2023 - 17:00]



NOTE

TIME DURATION

10:00 AM - 6:00 PM

SUNRISE/SUNSET

JULY

SUNRISE - 5:55 AM

SUNSET - 8:50 PM

AUGUST

SUNRISE - 6:28 AM

SUNSET - 8:10 PM

EXISTING BUILDING OUTLINE

EXISTING SHADOW OUTLINE

ISSUE / REVISIONS

1 ISSUED FOR RE-ZONING MAY 20 23

NOTICE:

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PRELIMINARY
REVIEW NOT FOR
DISTRIBUTION

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CONSTRUCTION
DOCUMENTATION

PROJECT No. 22-140

START DATE JAN. 2023

SHAW FESTIVAL
NEW ROYAL GEORGE
THEATRE

Address,

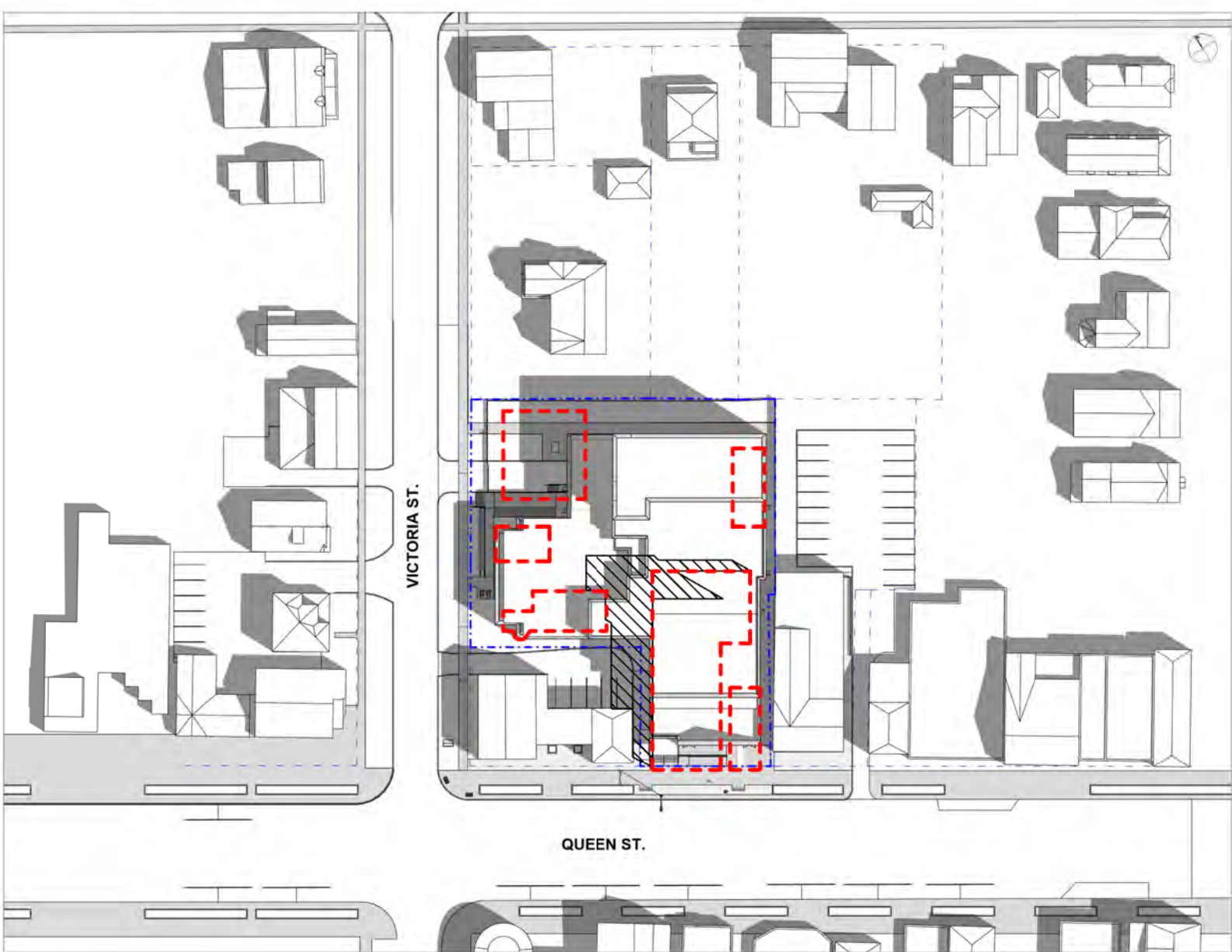
Niagara on the Lake ON.

SHADOW STUDY -
JULY 21 & AUGUST 21

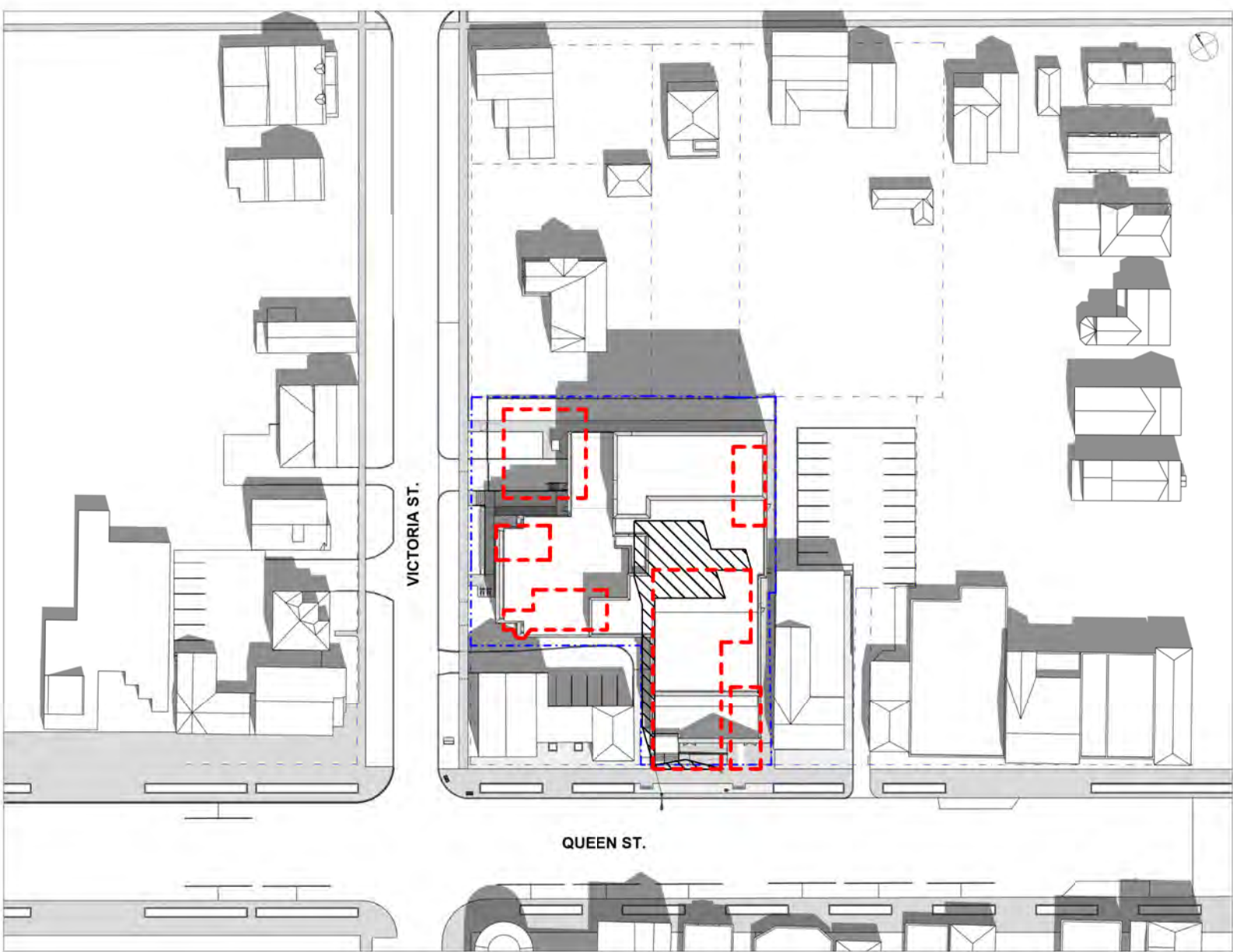
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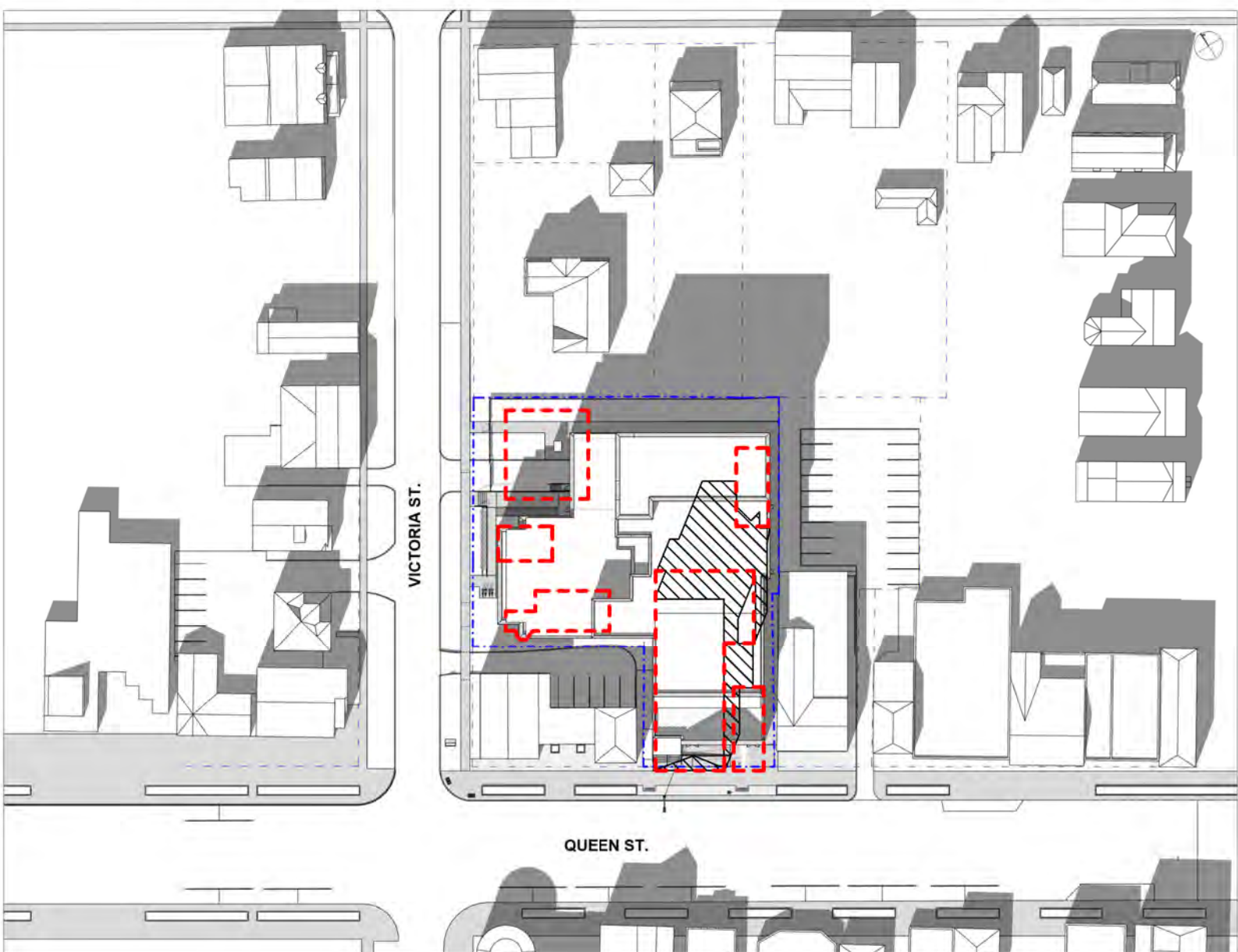
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[5 of 9] | September 21, 2023 - 10:00



[7 of 9] | September 21, 2023 - 10:00



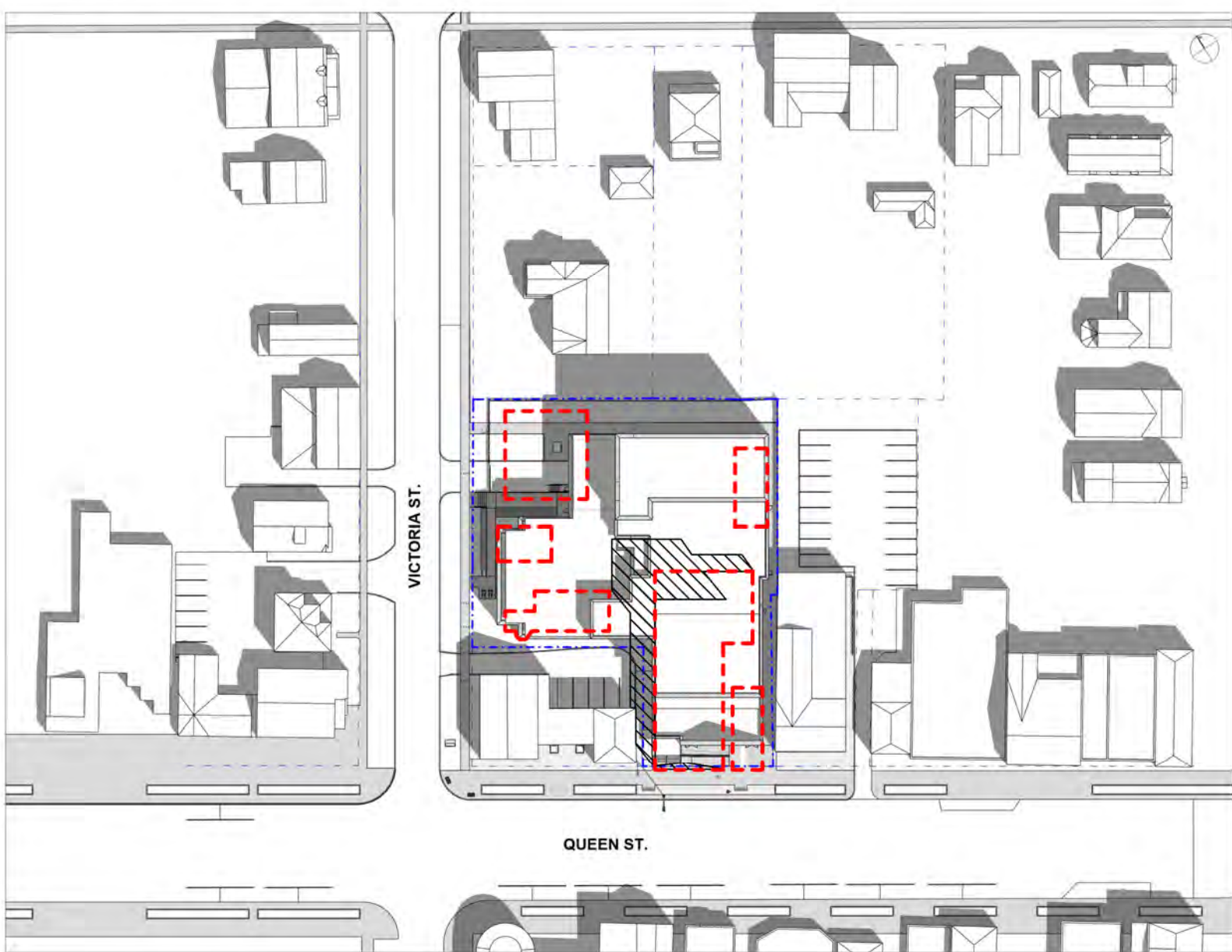
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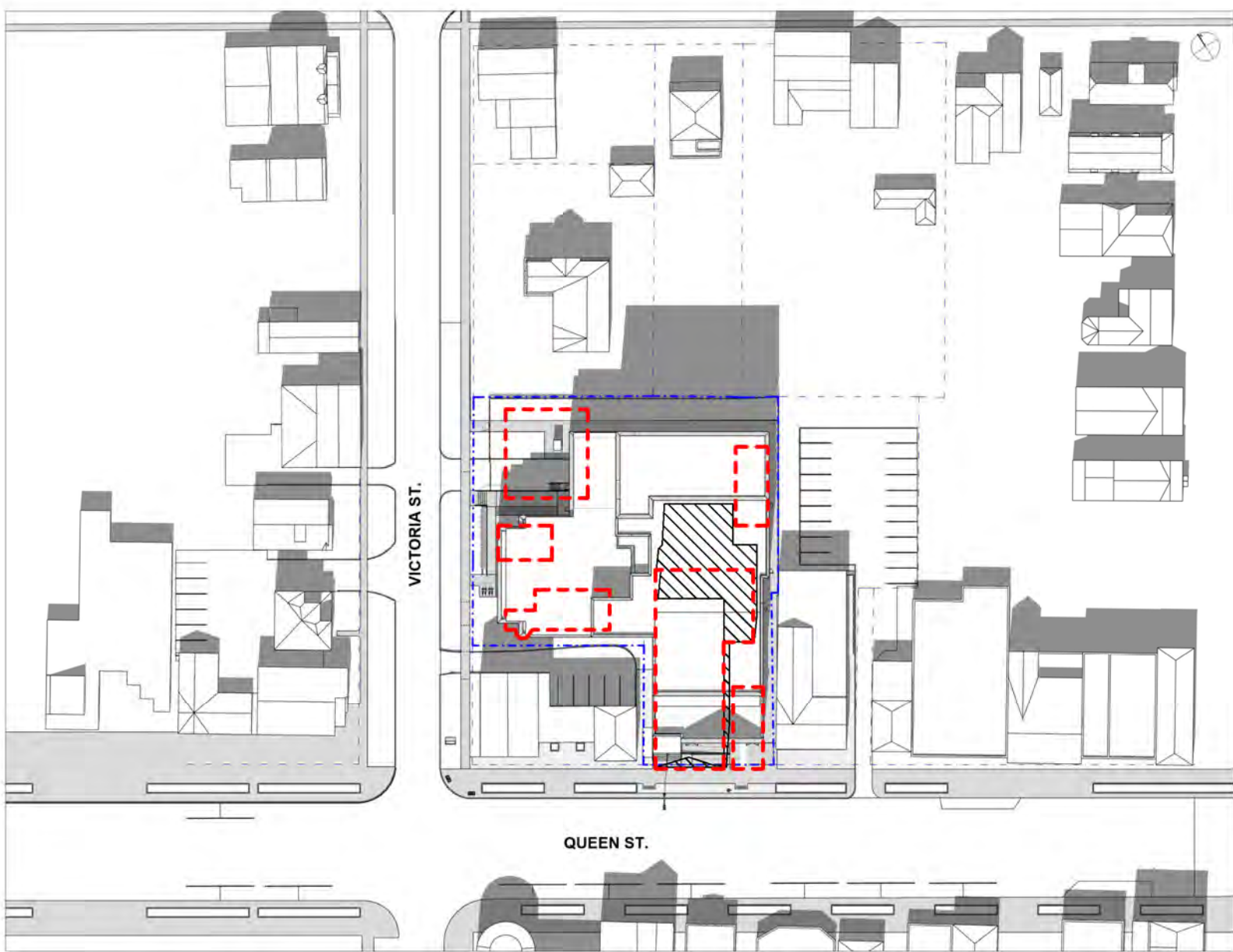
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[4 of 9] | September 21, 2023 - 11:00



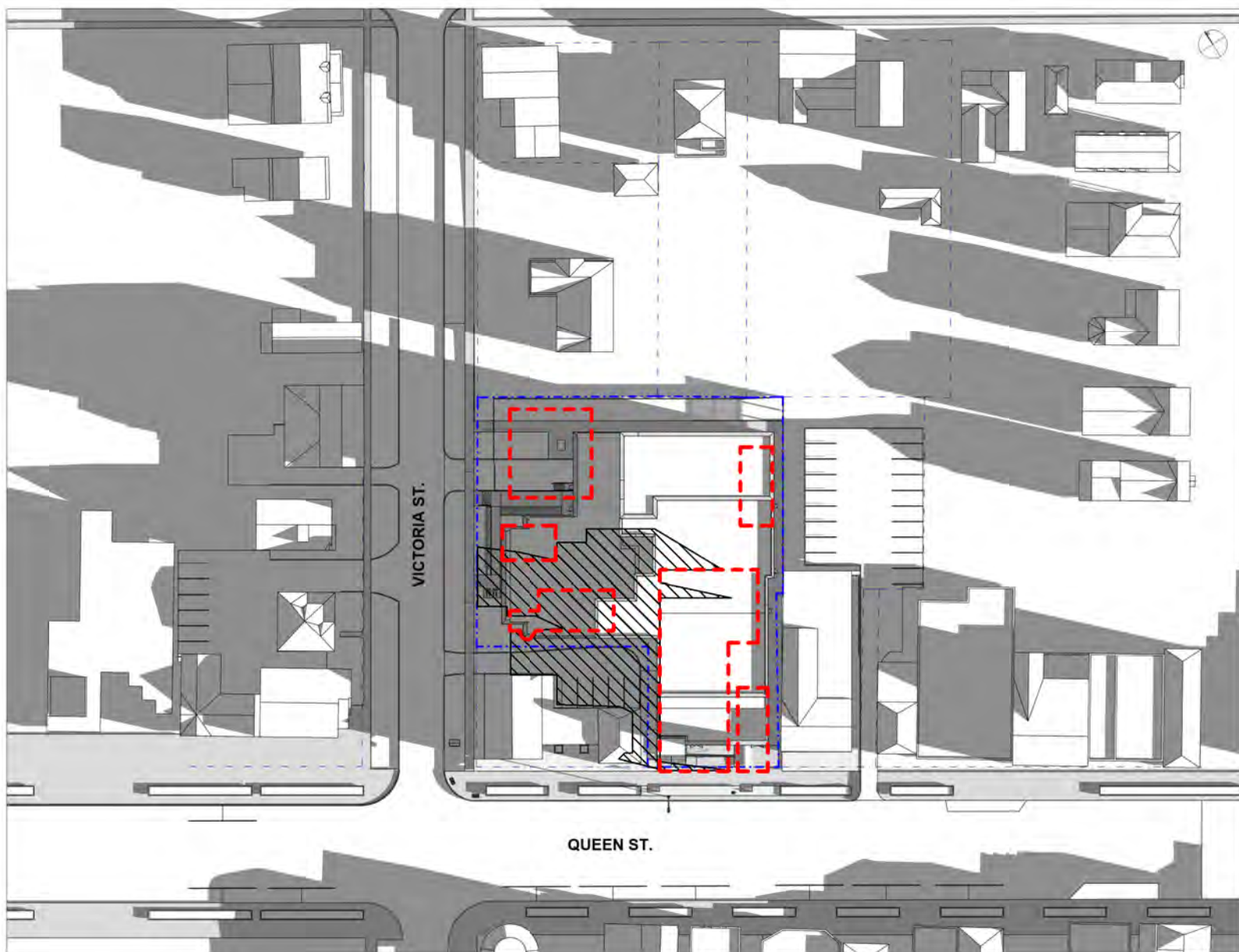
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[8 of 9] | September 21, 2023 - 11:00



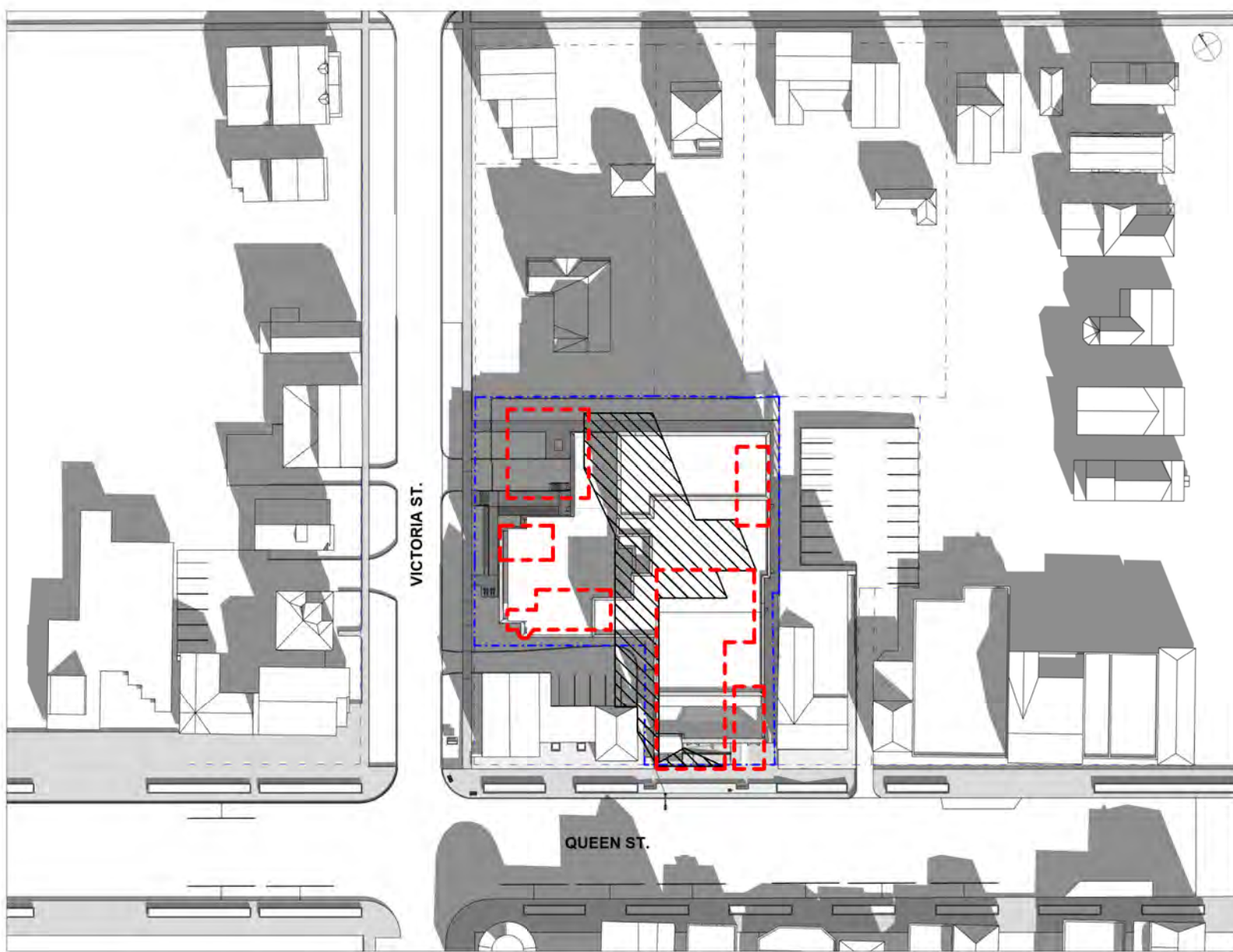
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[3 of 9] | December 21, 2023 - 10:00



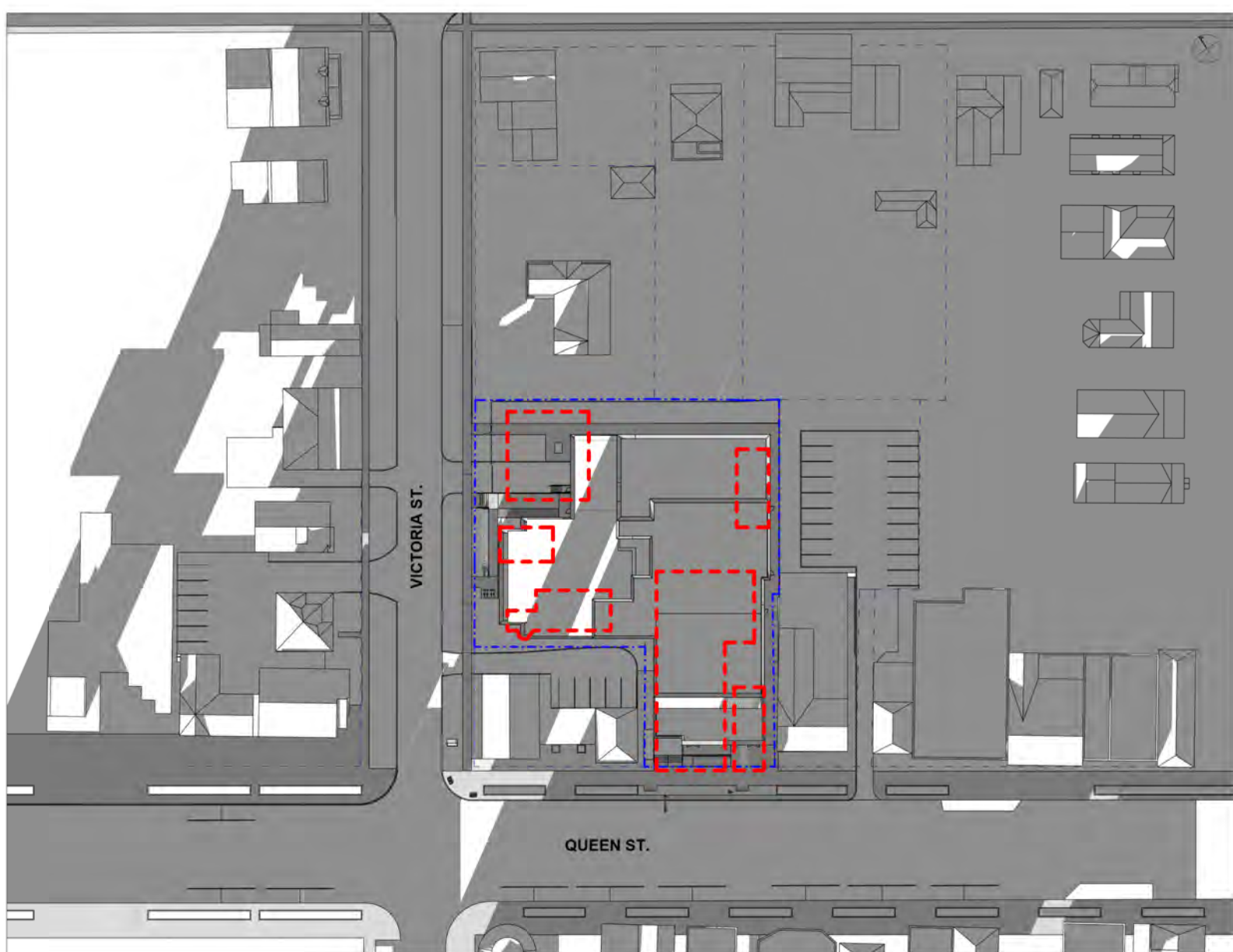
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[7 of 9] | December 21, 2023 - 10:00



[9 of 9] | December 21, 2023 - 10:00



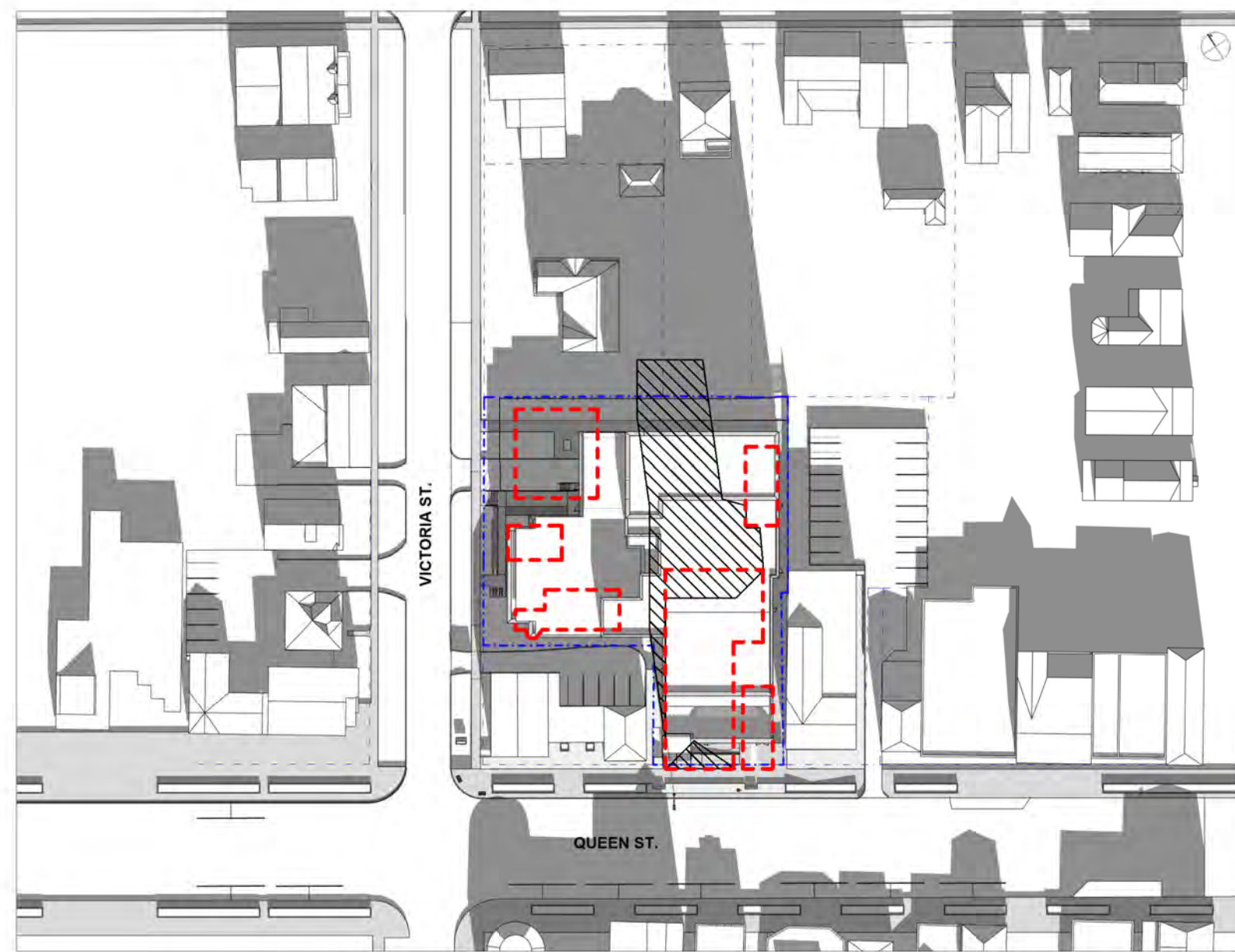
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[4 of 9] | December 21, 2023 - 11:00



[6 of 9] | December 21, 2023 - 11:00



[8 of 9] | December 21, 2023 - 11:00



NOTE

TIME DURATION

10:00 AM - 6:00 PM

SUNRISE/SUNSET

SEPTEMBER

SUNRISE - 7:02 AM

SUNSET - 7:16 PM

DECEMBER

SUNRISE - 7:45 AM

SUNSET - 4:44 PM

EXISTING BUILDING OUTLINE

EXISTING SHADOW OUTLINE

ISSUE / REVISIONS

1 ISSUED FOR RE-ZONING MAY 20 25

NOTICE

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CONSTRUCTION
DOCUMENTATION

PROJECT No. 22-140

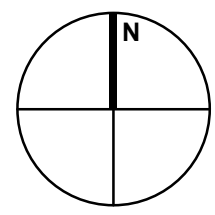
START DATE JAN. 2023

SHAW FESTIVAL
NEW ROYAL GEORGE
THEATRE

Address,

Niagara on the Lake ON.

SHADOW STUDY -
SEPTEMBER 21 &
DECEMBER



ISSUE / REVISIONS		
1	HERITAGE PRECONSULT	APR.10.23
2	ISSUED FOR CM RFP	APR.24.25
3	ISSUED FOR RE-ZONING	MAY.23.25

NOTICE:
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DESIGN DEVELOPMENT

PROJECT No. 25-105
START DATE APR.23

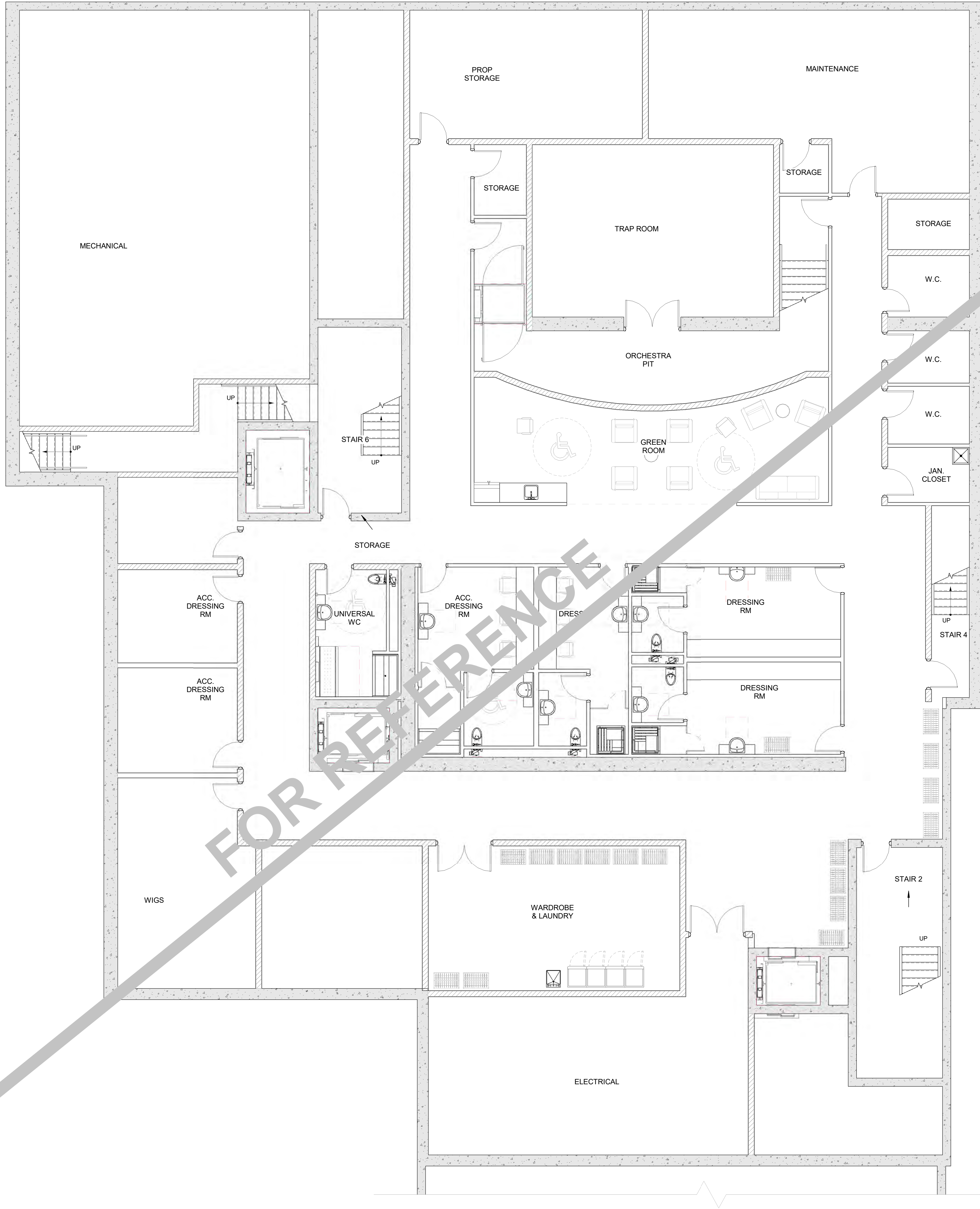
Shaw Festival
NEW ROYAL GEORGE
THEATRE

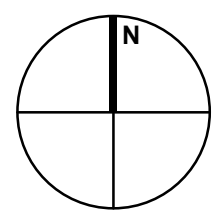
83 Queen Street, Niagara-on-the-Lake, ON

BASEMENT FLOOR
PLAN

A-100

1 | BASEMENT FLOOR PLAN
A-100 REF: A-301 Scale: 1: 75





ISSUE / REVISIONS

1	HERITAGE PRECONSULT	APR.10.23
2	ISSUED FOR CM RFP	APR.24.25
3	ISSUED FOR RE-ZONING	MAY.23.25

NOTICE:

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DESIGN DEVELOPMENT

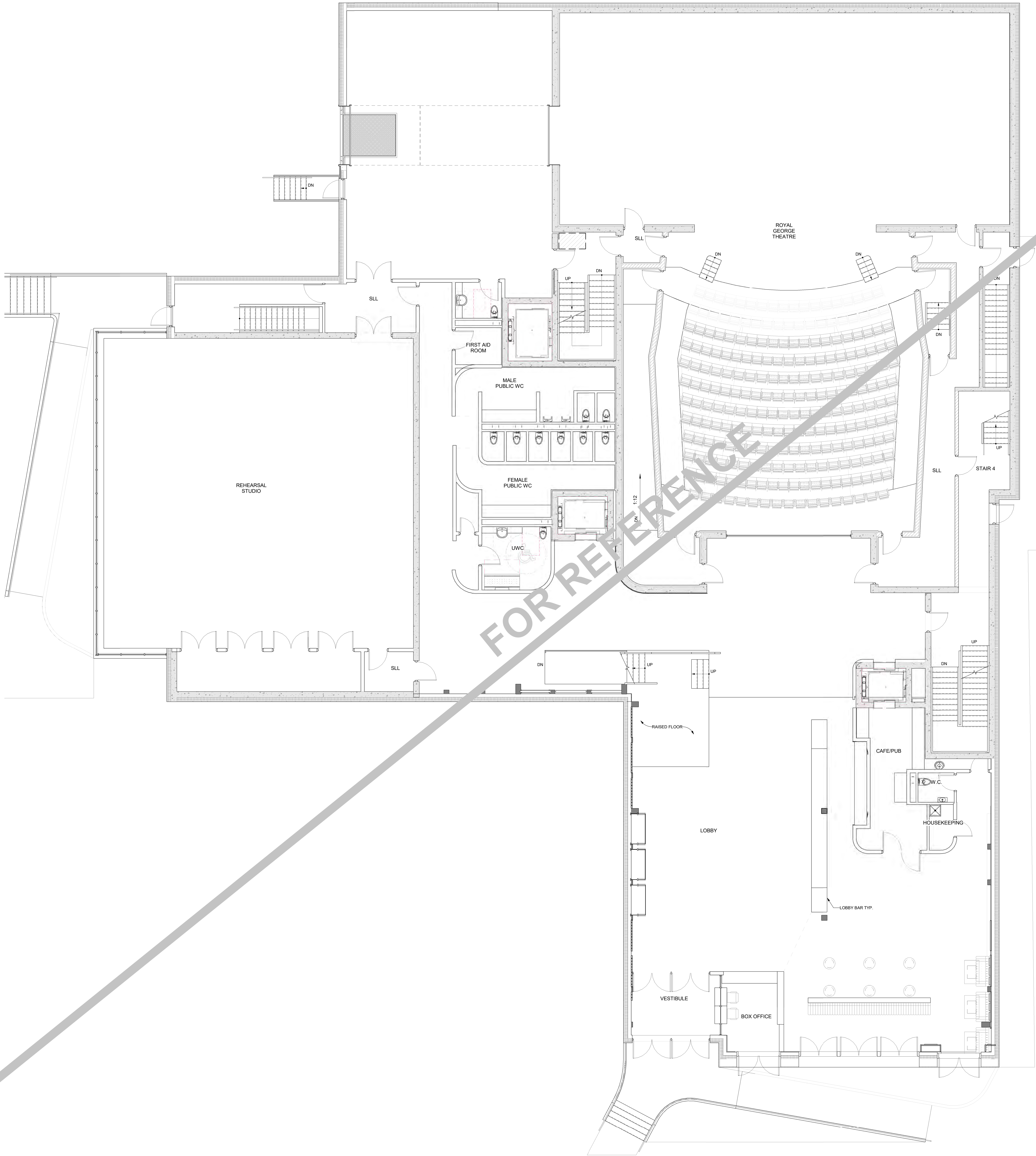
PROJECT No. 25-105
START DATE APR.23

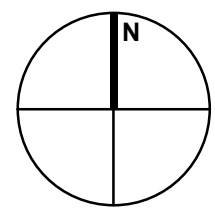
Shaw Festival
NEW ROYAL GEORGE
THEATRE

83 Queen Street, Niagara-on-the-Lake, ON

GROUND FLOOR PLAN

A-101





ISSUE / REVISIONS		
1	HERITAGE PRECONSULT	APR.10.23
2	ISSUED FOR CM RFP	APR.24.25
3	ISSUED FOR RE-ZONING	MAY.23.25

NOTICE:
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DESIGN DEVELOPMENT

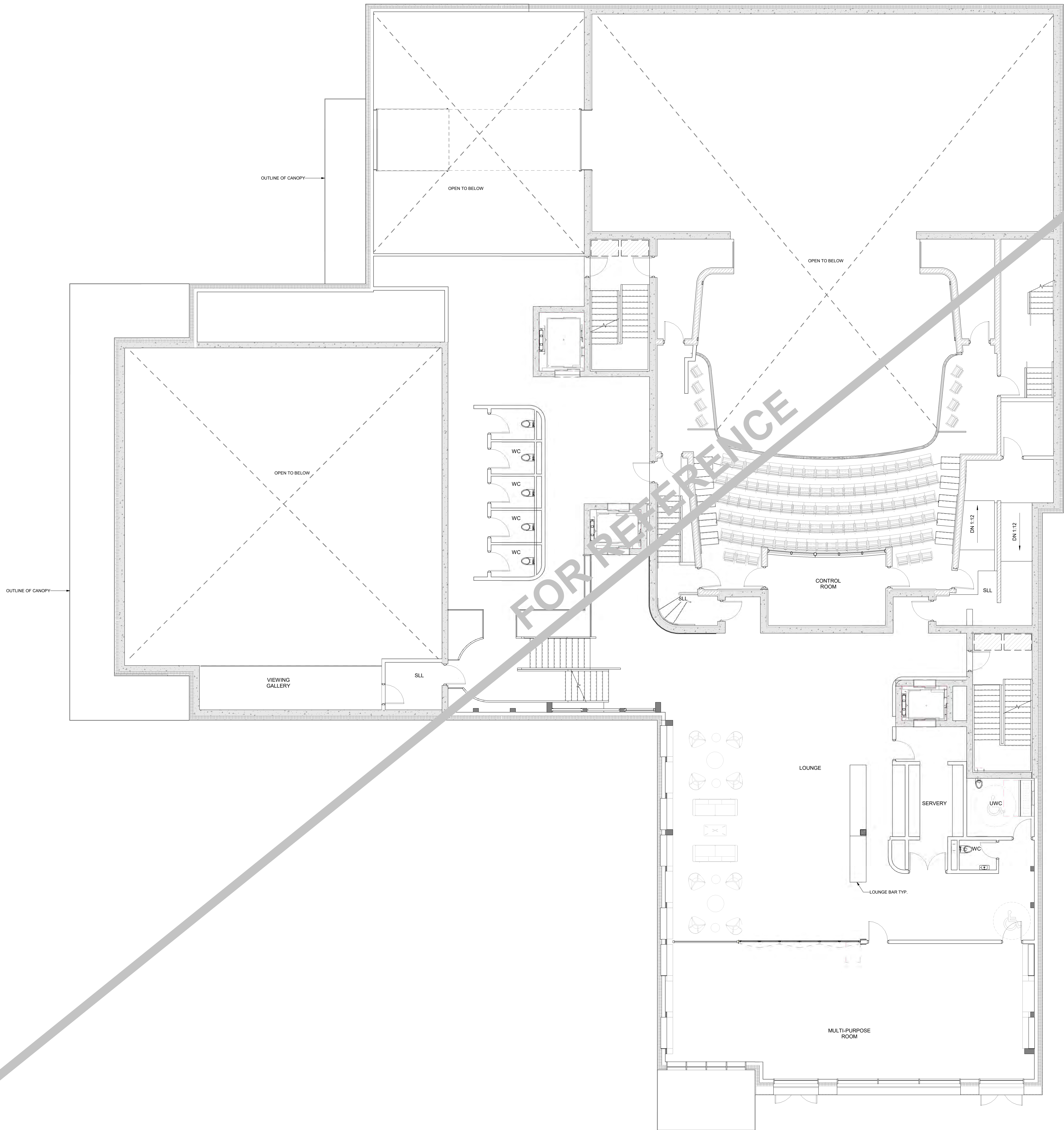
PROJECT No. 25-105
START DATE APR.23

Shaw Festival
NEW ROYAL GEORGE
THEATRE

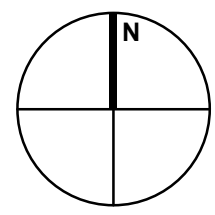
83 Queen Street, Niagara-on-the-Lake, ON

SECOND FLOOR PLAN

A-102



1 | SECOND FLOOR & GALLERY PLAN
A-102 | REF: A-201 Scale: 1 : 75



ISSUE / REVISIONS		
1	HERITAGE PRECONSULT	APR.10.23
2	ISSUED FOR CM RFP	APR.24.25
3	ISSUED FOR RE-ZONING	MAY.23.25

NOTICE:
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DESIGN DEVELOPMENT

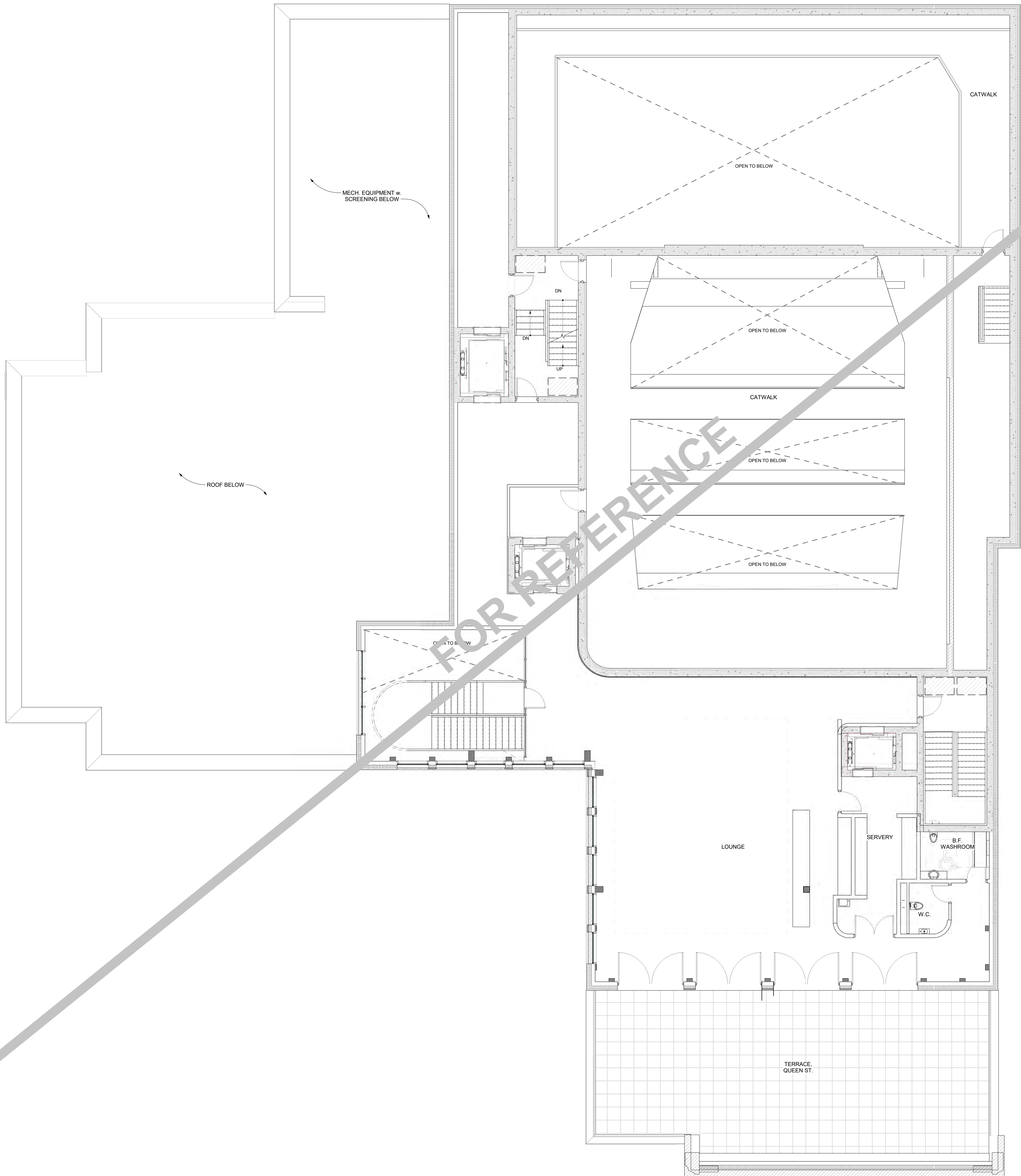
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START DATE APR.23

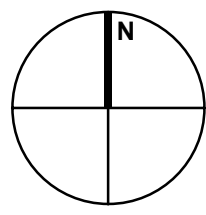
Shaw Festival
NEW ROYAL GEORGE
THEATRE

83 Queen Street, Niagara-on-the-Lake, ON

THIRD FLOOR PLAN

A-103





ISSUE / REVISIONS			
1	HERITAGE PRECONSULT	APR.10.23	
2	ISSUED FOR CM RFP	APR.24.25	
3	ISSUED FOR RE-ZONING	MAY.23.25	

NOTICE:
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DESIGN DEVELOPMENT

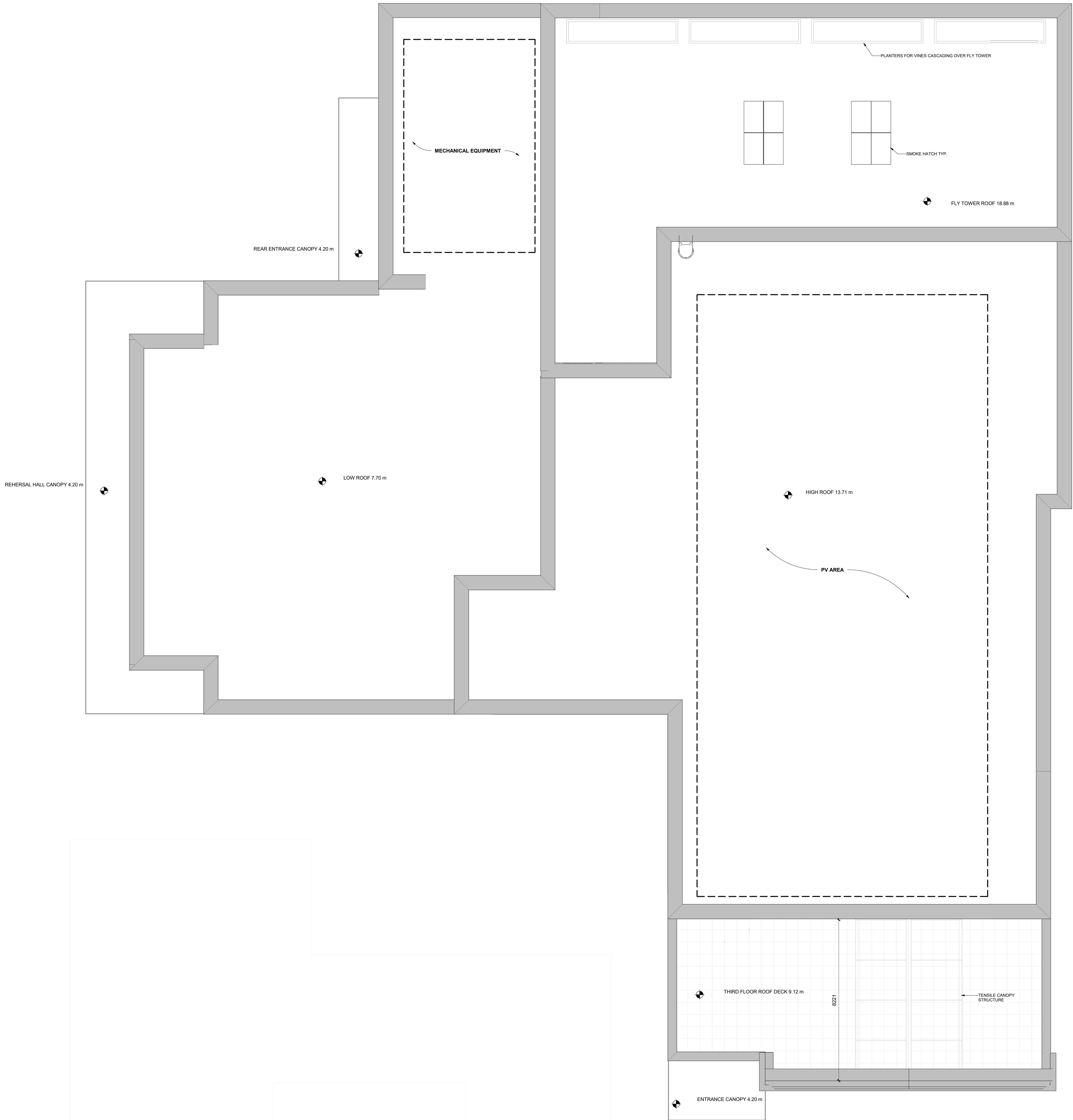
PROJECT No. 25-105
START DATE APR.23

**Shaw Festival
NEW ROYAL GEORGE
THEATRE**

83 Queen Street, Niagara-on-the-Lake, ON

ROOF PLAN OVERALL

A-190



1 | ROOF PLAN - OVERALL
A-190 | REF: A-201 | Scale: 1: 75



ISSUE / REVISIONS	
1	HERITAGE PRECONSULT APR.10.20
2	ISSUED FOR CM RFP APR.24.20
3	ISSUED FOR RE-ZONING MAY.20.20

The issuance of this record drawing is representation by the architect that the construction enlargement or alteration of the building is, in general, as opposed to precise, conformity with the design prepared and provided by the architect. It is not a representation that the construction enlargement or alteration of the building is conformity with a design that has been prepared or provided by other.

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DESIGN DEVELOPMENT

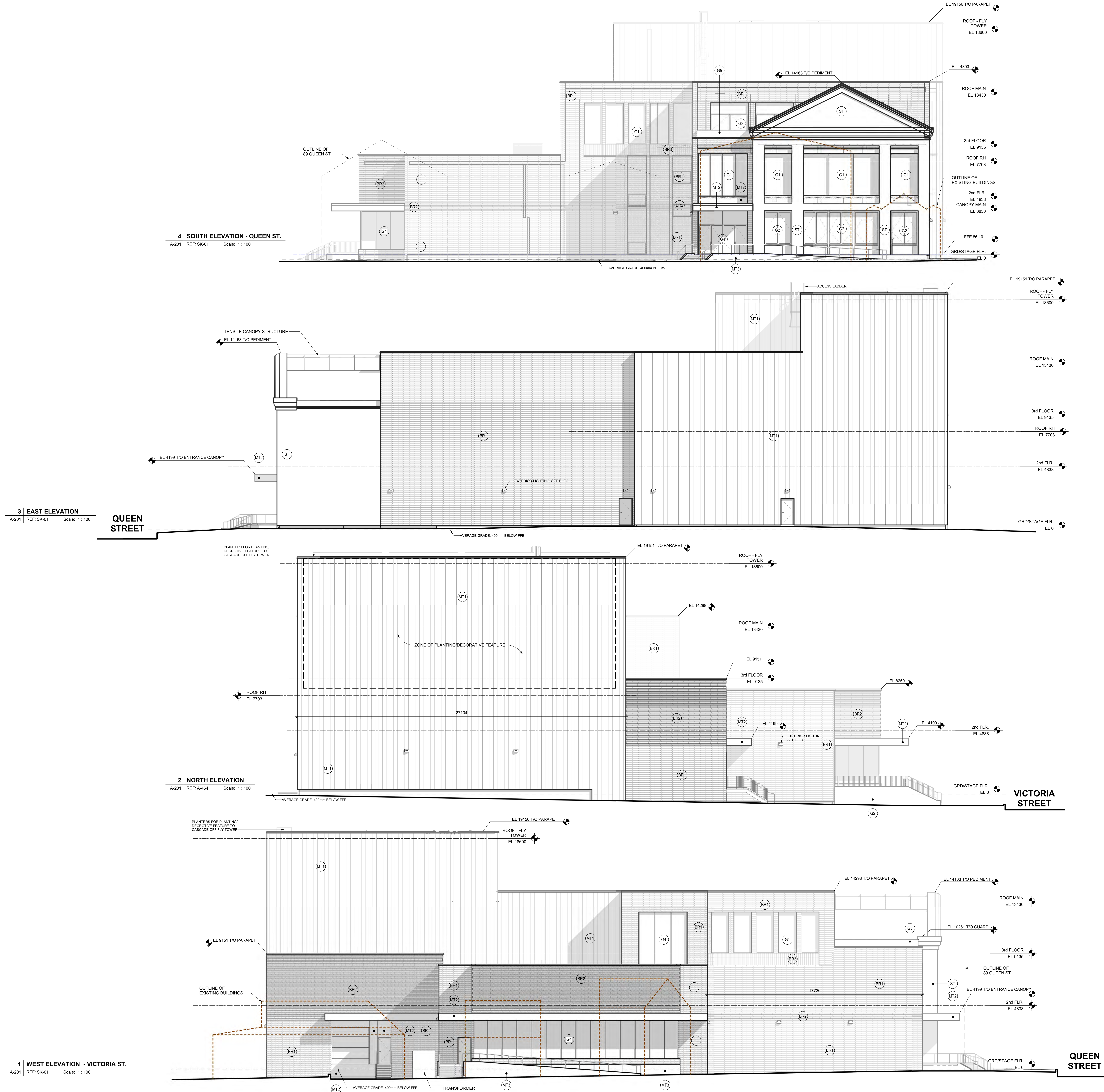
PROJECT No. 25-105
START DATE APR.23

Shaw Festival
NEW ROYAL GEORGE
THEATRE

83 Queen Street, Niagra-on-the-Lake, ON

BUILDING ELEVATIONS

A-201



ISSUE / REVISIONS		
1	HERITAGE PRECONSULT	APR.10.23
2	ISSUED FOR RE-ZONING	MAY.20.25



2 SOUTH ELEVATION
0 2500 5000 mm
SCALE: 1:100



1 WEST ELEVATION
0 2500 5000 mm
SCALE: 1:100

NOTICE:
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DESIGN DEVELOPMENT
PROJECT No. 25-105
START DATE APR.23

**Shaw Festival
NEW ROYAL GEORGE
THEATRE**

83 Queen Street, Niagara-on-the-Lake, ON

**BUILDING ELEVATIONS
- COLOURED**

ISSUE / REVISIONS

1	HERITAGE PRECONSULT	APR.10.23
2	ISSUED FOR CM RFP	APR.24.25
3	ISSUED FOR RE-ZONING	MAY.23.25

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DESIGN DEVELOPMENT

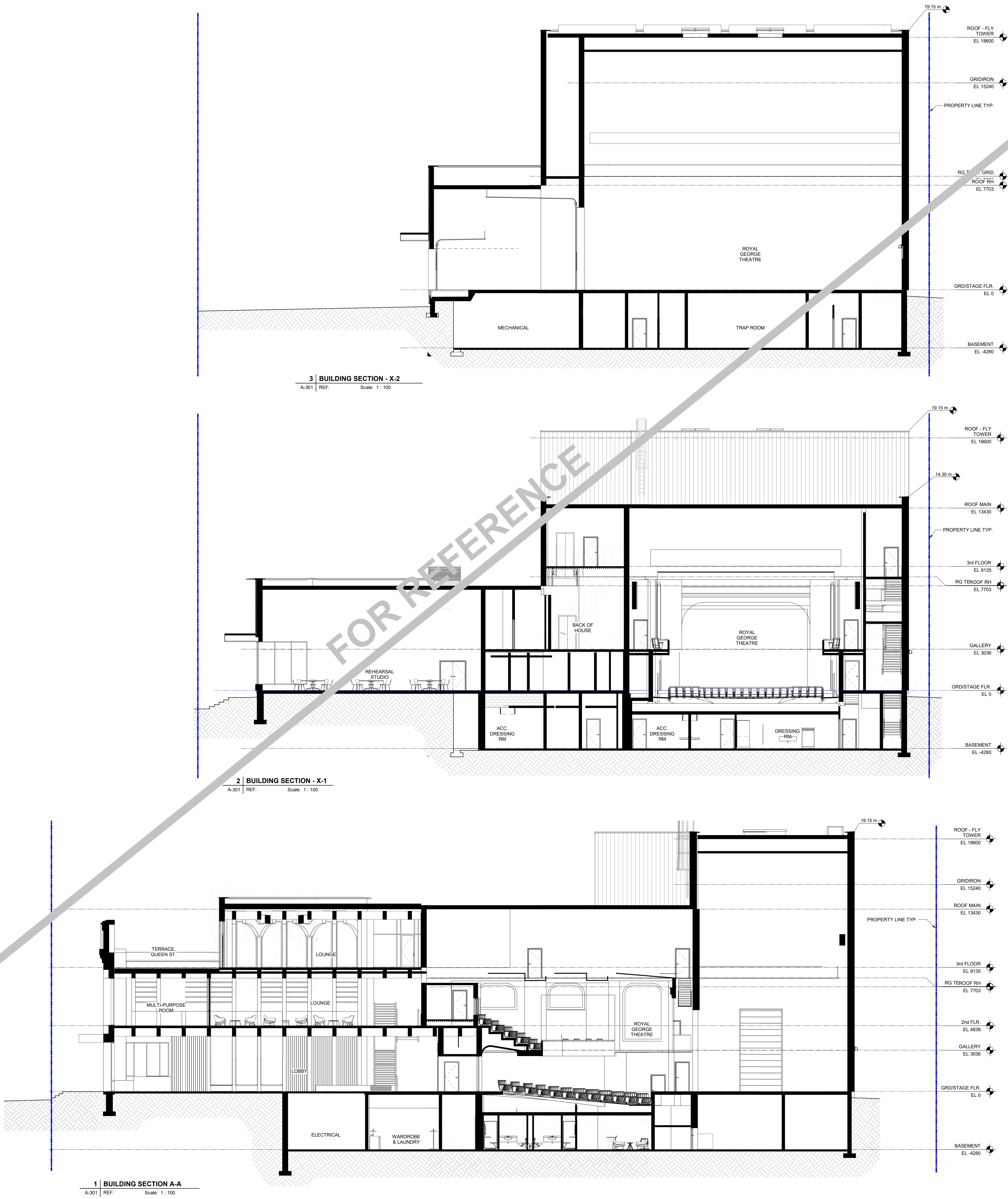
PROJECT No. 25-105
START DATE APR.23

Show Festival
NEW ROYAL GEORGE
THEATRE

83 Queen Street, Niagara-on-the-Lake, ON

BUILDING SECTIONS

A-301



3 | BUILDING SECTION - X-2
A-301 | REF: Scale: 1 : 100

2 | BUILDING SECTION - X-1
A-301 | REF: Scale: 1 : 100

1 | BUILDING SECTION A-A
A-301 | REF: Scale: 1 : 100

GROSS FLOOR AREA PER RE-ZONING SUB			
NAME	OBC CLASSIFICATION	AREA	AREA ft2
BASEMENT	DIV 1	1,270.00 m ²	13670.16 SF
GROUND FLR.	DIV 1	1,901.56 m ²	20468.22 SF
2ND FLR. GFA	DIV 1	1,025.59 m ²	11039.35 SF
3RD FLR. GFA	DIV 1	895.82 m ²	9642.58 SF
		5,092.97 m ²	54820.3 SF

Area Reductions

Ground Floor:

Lobby - 296 sf
Rehearsal Hall - 638 sf

Second Floor:

Lobby - 1016 sf

OTHER AREA INCREASES:

(Since Re-zoning Submission)

Basement: - 721 sf

Third Floor: - 115 sf

There is a net area increase on the third floor due to west wall pushing out 1322mm in combination with the victoria street facade pulling inward 3500mm

Total Reduction: - 1114 sf

GROSS FLOOR AREA CURRENT			
NAME	OBC CLASSIFICATION	AREA	AREA ft2
BASEMENT	DIV 1	1,337 m ²	14391.15 SF
GROUND FLR.	DIV 1	1,815 m ²	19534.76 SF
2ND FLR. GFA	DIV 1	931 m ²	10022.97 SF
3RD FLR. GFA	DIV 1	907 m ²	9757.76 SF
		4,990 m ²	53706.63 SF

APPENDIX F: BUILDING CONDITION ASSESSMENT



November 30, 2023

Reference Number: 23344

Joel Parke

Owner's Representative
Shaw Festival
10 Queen's Parade, Box 774
Niagara-on-the-Lake, ON L0S 1J0

Dear Joel,

RE: Royal George Theatre Structural Assessment

1.1 BACKGROUND

At your request, we completed a review of the Royal George Theatre at 85 Queen St in Niagara-on-the-Lake. We also reviewed the structures at 79 Queen St, 178 & 188 Victoria St., and the Gallery building behind 85 Queen St. The purpose of the review was to assess the current structures with a view to incorporating the existing buildings into an expanded new theatre.

1.2 EXISTING INFORMATION

As part of our study, we visited the site on May 5, 2023 to visually review the existing structures. Our review was visual and only the structural elements exposed to view were observed. No finishes were removed as part of the review. Additionally, we reviewed the following documents that were supplied to us:

- ▶ Original Theatre Architectural Drawings by architect Chas M. Wilmont circa 1913;
- ▶ Theatre Alteration Drawings by architect John M. Collins circa 1940;
- ▶ Stage Addition Drawings by Lett/Smith Architects dated December 1984; and
- ▶ Preliminary Architectural Drawings for the new Theatre by Lett Architects dated January 2023.
- ▶ "Early Theatre in Niagara-on-the-Lake including the history of The Royal George" by Faye Goodwin and Nancy Butler – April 2010
- ▶

Based on our visual review, the arrangement and sizes of the existing structure appeared to generally match the existing drawings provided, with the exception of the balcony at the front of the theatre building and the façade facing Queen Street which we understand was modified in 1975 and again in the 1980s.

No drawings for the structures at 79 Queen St., 178 & 188 Victoria St., or the Gallery building were provided.



1.3 BUILDING DESCRIPTIONS

1.3.1 83 Queen Street

The existing Royal George Theatre structure at 83 Queen St was completed in 1915 as a Moving Picture and Vaudeville Theatre. The original construction is a single-story building with a basement and a fly tower over the stage. At the front of the building there is a balcony and projection booth. The basement construction consists of 16" concrete foundation walls and slab on grade. The ground floor is wood framed consisting of 2x12 wood joists spanning between steel beams sloping toward the stage. The steel beams are supported by the foundation walls and steel columns along the centre of the basement. The stage is also wood framed consisting of 2x14 joists. The roof is wood framed with 2x14 joists spanning between steel beams which are supported by steel columns at the exterior of the building. The exterior walls are non-load bearing hollow terra cotta block also known as speed tile. The walls infill the spaces between the steel columns supporting the roof structure.

The 1940s renovation expanded the balcony and the projection booth. The project also reworked the façade facing Queen Street, removing windows and awnings.

The 1984 Stage Addition project expanded the backstage and sidestage to the north and east respectively. The work included removing the north and east speed tile walls to a height of approximately 30'-0" and supporting the remaining fly tower walls above on new steel beams and columns. The expanded back and side stage are enclosed with 12" concrete masonry walls and a sloped 1 ½" steel deck roof supported by steel I beam rafters. We understand that in 1984 the front façade, foyer, and balcony were also modified, however no drawings for this work were provided. The balcony framing was reviewed through a trap door in the projection booth and consisted of wood joists and plywood that appeared to be built on top of the earlier balcony structure.

Behind the theatre building there is a two-story structure known as the Gallery. We understand this building is approximately 25 years old. No drawings were made available for this structure; however it appears to be of wood framed construction and does not have a basement.

1.3.2 79 Queen Street

The structure at 79 Queen Street is a single-story building with a gable roof. The exterior is finished in stucco and the interior ground floor is finished such that the above grade framing is unknown. However, based on experience it is likely a wood framed roof bearing on either masonry or wood stud walls. The basement was unfinished and the structure was observed to consist of concrete basement / foundation walls supporting a wood joist floor.

1.3.3 178 & 188 Victoria Street

The structures at 178 and 188 Victoria Street are both two-story wood framed residential houses. 178 Victoria Street has a basement with concrete foundation walls. 188 Victoria Street does not have a basement and the foundation construction was not reviewed. No drawings were made available for either structure.



1.4 ASSESSMENT

The proposed structure for the new redeveloped theatre has a footprint that encompasses all the existing buildings described in section 1.3. The proposed structure is three stories tall with public lobbies in the area currently occupied by the buildings at 79 and 85 Queen Street, a new theatre in the rear of the existing theatre where the gallery building currently stands, and a rehearsal studio and administrative offices at the west side of the site currently occupied by the houses at 178 and 188 Victoria Street.

The existing Gallery building, 178 and 188 Victoria Street, appear to be built in accordance with Part 9: Housing and Small Buildings, of the Ontario Building Code (OBC) and could not easily be incorporated into the proposed theatre building. Part 9 of the OBC governs the design of residential housing and small buildings not exceeding 600m² and has reduced loading requirements. It is not be expected that these buildings would meet the structural requirements of Part 4: Structural Design of the OBC, which would be required if incorporated into the new theatre facility. The proposed new structure also has a basement where the existing structures are located. The Gallery building and 188 Victoria Street do not. The basement at 178 Victoria Street is not deep enough to match the proposed construction. Incorporating them could require constructing a new basement below them and/or underpinning the existing foundations.

Furthermore, we understand the existing basement of the theatre building at 83 Queen Street has experienced flooding in the past. To prevent this, permanent below slab drainage systems and waterproofing of the exterior basement walls would be necessary. Installation of below slab drainage would require removal and replacement of the basement slab-on-grade and would be a costly endeavour.

These buildings also do not have structural elements that would be compatible with the lateral force resisting systems required of the new construction as a whole. The existing theatre structure was designed and built before formal building codes existed. Further, lateral seismic loading requirements were not introduced into Canadian building codes until 1941 and have evolved over the intervening years. The construction of the existing theatre building, namely the hollow terra cotta exterior walls, are non-ductile materials that have a very low resistance to seismic forces. Commentary L of the National Building Code (NBC 2015) requires that existing buildings undergoing renovations or additions that have a total weight exceeding 10% of the existing building weight, undergo seismic upgrading such that the combined existing and new structures fully comply with the current building code. Any significant addition to the existing structure will require a full seismic upgrade of the existing lateral force resisting system.

To upgrade the existing lateral force resisting system, new structural elements would have to be constructed that are compatible with the existing stiff brittle terra cotta walls. Flexible structures such as steel moment frames or steel bracing would not be appropriate. Concrete shear walls could be utilized to strengthen the structure. New shear walls would need to be located strategically within the existing structure and would have to be built on new foundations sized for the gravity and overturning forces.

The proposed structure is significantly larger and taller than the existing structure. In order to incorporate existing structural elements into the new construction, significant reinforcing of walls, beams and foundations would be required. The location of the existing structural elements also does not provide much flexibility for a new building with a larger footprint and modern accessibility requirements. To retain the existing roof structure and incorporate it into a new floor, for example, the existing steel beams would need to be lengthened and reinforced and the existing wood framing would also require upgrading.



1.5 CONCLUSION

In our opinion, based on the information available and the level of study completed, incorporating the existing structures into a new larger, modern theatre structure would be impractical and cost prohibitive. The layout and composition of the structural elements in the existing buildings would require significant upgrades and interventions, to retain even small portions in the new scheme.

Likewise, renovations to the existing Royal George to modernize to meet current industry theatre practices and to achieve the desired functionality would also require significant structural interventions. In our opinion, the required structural interventions would also be impractical and cost prohibitive.

Should you have any questions or comments, please do not hesitate to contact us.

Yours truly,

LEA CONSULTING LTD.

John Kaczmarek, P.Eng.
Project Manager

John Ford, P.Eng.
Principal

cc: Lett Architects Inc.

Attachments: Limitations



LIMITATIONS

- ▶ No party other than the Client shall rely on the Consultant's work without the express written consent of the Consultant. The scope of work and related responsibilities are defined in the Conditions of Assignment. Any use which a third party makes of this work, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. Decisions made or actions taken as a result of our work shall be the responsibility of the parties directly involved in the decisions or actions. Any third party user of this report specifically denies any right to any claims, whether in contract, tort and/or any other cause of action in law, against the Consultant (including Sub-Consultants, their officers, agents and employees).
- ▶ The work reflects the Consultant's best judgement in light of the information reviewed by them at the time of preparation. Unless otherwise agreed in writing by LEA Consulting Ltd., it shall not be used to express or imply warranty as to the fitness of the property for a particular purpose. This is not a certification of compliance with past or present regulations. No portion of this report may be used as a separate entity; it is written to be read in its entirety.
- ▶ This work does not wholly eliminate uncertainty regarding the potential for existing or future costs, hazards or losses in connection with a property. No physical or destructive testing and no design calculations have been performed unless specifically recorded. Conditions existing but not recorded were not apparent given the level of study undertaken. Only conditions actually seen during examination of representative samples can be said to have been appraised and comments on the balance of the conditions are assumptions based upon extrapolation. We can perform further investigation on items of concern if so required.
- ▶ Only the specific information identified has been reviewed. The Consultant is not obligated to identify mistakes or insufficiencies in the information obtained from the various sources or to verify the accuracy of the information.
- ▶ LEA Consulting Ltd. is not investigating or providing advice about pollutants, contaminants or hazardous materials. This work is included only in the mandate of the environmental consultant.

APPENDIX G: ARCHEOLOGICAL ASSESSMENT

Stage 1 and 2 Archaeological Assessment of 188 Victoria Street, Part of Lot 57, Registered Plan 86, Geographic Township of Niagara, County of Lincoln, now in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara

Original Report

Prepared for:

Shaw Festival Theatre Canada

10 Queen's Parade, P.O. Box 774

Niagara-on-the-Lake, Ontario L0S 1J0

(905) 468-2153

Archaeological Licence: P1133 (Kashani)

Project Information Form P1133-0014-2023

Archaeological Services Inc. File: 23PL-028

16 May 2023



Executive Summary

Archaeological Services Inc. was contracted by Shaw Festival Theatre Canada to undertake a Stage 1 and 2 Archaeological Assessment of 188 Victoria Street, Part of Lot 57, Registered Plan 86, in the Geographic Township of Niagara, County of Lincoln, now in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara. The subject property, located on the southeast side of Victoria Street, is approximately 425 square metres. Permission to access the subject property and to carry out all activities necessary for the completion of the assessment was granted by the proponent on February 9, 2023.

The Stage 1 background research entailed consideration of the proximity of previously registered archaeological sites and the original environmental setting of the subject property, along with its development history. The evaluation of archaeological potential also took into consideration the criteria established in the *Master Plan of Archaeological Resources for the Town of Niagara-on-the-Lake Planning Report* (Archaeological Services Inc., 2001). This research suggested there would typically be potential for Indigenous and Euro-Canadian archaeological sites within the subject property. However, based on the extent of previous ground impacts from house construction, paving, and landscaping, it was concluded that the presence of any intact archaeological deposits was unlikely.

The Stage 2 field assessment was conducted on April 17 and 19, 2023. The visual inspection of the subject property confirmed nearly the entire property, approximately 95%, was thoroughly disturbed from the existing development. The remaining 5% of the property, comprising a narrow stretch of garden along the southwest limit, was subject to test pit survey to confirm disturbance. As a result of this assessment, the entire property was confirmed to be disturbed. Therefore, it is recommended that no further archaeological assessment of the subject property be required.



Project Personnel

- **Senior Project Manager:** Jennifer Ley, Honours Bachelor of Arts (R376), Lead Archaeologist, Manager, Planning Assessment Division
- **Project Manager:** Jamie Houston-Dickson, Master of Arts (P398), Associate Archaeologist, Project Manager, Planning Assessment Division
- **Project Director:** Poorya Kashani, Doctor of Philosophy (P1133), Associate Archaeologist, Field Director, Planning Assessment Division
- **Project Administrator:** Lauren Vince, Honours Bachelor of Arts (R1235), Archaeologist, Project Administrator, Planning Assessment Division
- **Field Director:** Sean Haefner, Bachelor of Science (R1253), Archaeologist, Field Director, Planning Assessment Division
- **Field Archaeologist:** Paul Roschman, Bachelor of Science
- **Project Historian:** Brian Narhi, Master of Arts, Historian, Planning Assessment Division
- **Report Preparation:** Dana Millson, Doctor of Philosophy, Archaeologist, Technical Writer, Planning Assessment Division
- **Graphics:** Peter Bikoulis, Doctor of Philosophy, Archaeologist, Geographic Information System Technician, Operations Division; Carolyn Nettleton, Bachelor of Arts, Archaeologist, Geographic Information System Technician, Operations Division
- **Report Reviewers:** Jamie Houston-Dickson; Jennifer Ley



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1.0 Project Context

Archaeological Services Inc. was contracted by Shaw Festival Theatre Canada to undertake a Stage 1 and 2 Archaeological Assessment of 188 Victoria Street, Part of Lot 57, Registered Plan 86, in the Geographic Township of Niagara, County of Lincoln, now in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara (Figure 1). The subject property is approximately 425 square metres and is located along the southeast side of Victoria Street, northeast of Queen Street.

1.1 Development Context

This assessment was conducted under the senior project management of Jennifer Ley (R376), the project management of Jamie Houston-Dickson (P398), and the project direction of Poorya Kashani (P1133); the work was completed under Ministry of Citizenship and Multiculturalism (hereafter referred to as the Ministry) Project Information Form P1133-0014-2023. All activities carried out during this assessment were completed as due diligence prior to proposed redevelopment, as required by the Town of Niagara-on-the-Lake and the *Planning Act* (Ministry of Municipal Affairs and Housing, 1990).

All work was completed in accordance with the *Ontario Heritage Act* (Ministry of Culture [now the Ministry], 1990) and the *Standards and Guidelines for Consultant Archaeologists* (hereafter referred to as the Standards) (the Ministry of Tourism and Culture [now the Ministry], 2011). The work was also guided by the *Master Plan of Archaeological Resources for the Town of Niagara-on-the-Lake Planning Report* (Archaeological Services Inc., 2001), which provides further refinement with regards to potential buffers surrounding any noted features or characteristics that affect archaeological potential.

Permission to access the subject property and to carry out all activities necessary for the completion of the assessment was granted by the proponent on February 9, 2023. Buried utility locates were obtained prior to fieldwork.



1.2 Historical Context

The purpose of this section is to describe the past and present land use and the settlement history of the subject property, and any other relevant historical information gathered through the Stage 1 background research.

1.2.1 Pre-Contact Settlement

Southern Ontario has a cultural history that began approximately 13,500 years ago and continues to the present. As there tends to be less widespread awareness of the depth of this pre-contact settlement history, or general knowledge of the societies that inhabited Ontario prior to the onset of Euro-Canadian settlement, a brief review of the prehistory of the area is necessary in order to provide an understanding of the various natural and cultural forces that have operated to create the archaeological sites that are found today.

Table 1 provides a general summary of the pre-contact Indigenous settlement history of southern Ontario from approximately 11,500 Before Common Era (B.C.E.) to the year 1650 Common Era (C.E.).

Table 1: Pre-contact Indigenous Temporal Culture Periods in Southern Ontario

Period	Description
Paleo > 11,500 – 8,500 B.C.E.	• First human occupation of Ontario • Astronomers/ Artists/ Hunters/ Gatherers/ Foragers • Language Unknown • Small occupations • Non-stratified populations



Period	Description
Archaic 8,500 – 1,000 B.C.E.	• Astronomers/ Artists/ Hunters/ Gatherers/ Foragers • Small occupations • Non-stratified populations • Mortuary ceremonialism • Extensive trade networks for raw materials and finished objects
Early Woodland 1,000 – 450 B.C.E.	• Astronomers/ Artists/ Hunters/ Gatherers/ Foragers • General trend in spring/summer congregation and fall/winter dispersal • Small and large occupations • First evidence of community identity • Mortuary ceremonialism • Extensive trade networks for raw materials and finished objects
Middle Woodland 450 B.C.E. – 750 C.E. Transitional Woodland 600 – 900 C.E.	• Astronomers/ Artists/ Hunters/ Gatherers/ Foragers • A general trend in spring/summer congregation and fall/winter dispersal into large and small settlements • Kin-based political system • Increasingly elaborate mortuary ceremonialism • Incipient agriculture in some regions • Longer term settlement occupation and reuse
Late Woodland (Early) 900 – 1300 C.E.	• Foraging with locally defined dependence on agriculture • Villages, specific and special purpose sites • Socio-political system strongly kinship based



Period	Description
Late Woodland (Middle) 1300 – 1400 C.E.	• Major shift to agricultural dependency • Villages, specific and special purpose sites • Development of socio-political complexity
Late Woodland (Late) 1400 – 1650 C.E.	• Complex agricultural society • Villages, specific and special purpose sites • Politically allied regional populations

1.2.2 Post-Contact Settlement

The Niagara Purchase

Following the 1764 Niagara Peace Treaty and the follow-up treaties with Pontiac, the English colonial government considered the Mississaugas to be their allies since they had accepted the Covenant Chain. The English administrators followed the terms of the Royal Proclamation and insured that no settlements were made in the hunting grounds that had been reserved for their use (Johnston, 2004; Lytwyn, 2005). The subject property is within Treaty 381, the Niagara Purchase, signed in 1781 between the Crown and the Chippewa and Mississaugas for the tract of land not previously agreed upon in the 1764 Niagara Peace Treaty on the west side of “the Straits” that lead from Lake Erie to Lake Ontario at Niagara Falls (Crown-Indigenous Relations and Northern Affairs, 2016).

County of Lincoln

The land that comprises the former County of Lincoln was alienated by the British from the Mississaugas through a treaty concluded on May 22, 1784. This treaty was subsequently ratified at Navy Hall in the Town of Niagara (Niagara-on-the-Lake) on December 7, 1792. The purchase price for the land that the British acquired, which extended between Lakes Ontario and Erie from the Niagara River to the “River La Tranche” was a mere £1180.7.4 (Treaty No. 3, *Indian Treaties* vol. 1:5-7).



Lincoln County was one of the first counties to be established by proclamation following the arrival of Lieutenant-Governor John Graves Simcoe in Upper Canada in 1792. The County was named after Lincolnshire in England. Prior to that time, Lincoln had comprised part of the District of Nassau, which was under the legal and administrative jurisdiction of Montreal between 1783 and 1788. This name was changed to the “Home District” in October 1792. The Town of Niagara (or Newark, now Niagara-on-the-Lake) was not only the County Town but also the capital of the Province of Upper Canada between 1792 and 1796. In 1800, the Niagara Region was re-named the “District of Niagara.” The Town of Niagara remained as the “official” County Town from July 1801 until 1866, when that status was transferred to St. Catharines (Gardiner, 1899:267; Armstrong, 1985:172, 186-188).

By 1805, Lincoln was described as being “a very fine and populous settlement,” with a population of about 6,000 (Boulton, 1805:49).

Township of Niagara

The first township survey was undertaken in 1782, and the first legal settlers occupied their land holdings in the same year. The township was named Newark by John Graves Simcoe in 1792, possibly after a town in Nottinghamshire, England. Another theory suggests that Niagara, which was the temporary provincial capital of Upper Canada, was “an ark of safety for the Loyalists.” The township regained its original name, Niagara, in 1798. This is a derivative of an Iroquois word, *onghiara*, which is thought to signify “neck” or possibly “thundering waters.”

Niagara was initially settled by disbanded soldiers, mainly Butler’s Rangers, following the end of the American Revolutionary War. The township was the scene of several battles and skirmishes during the War of 1812, and much of the township was laid to waste at that time (Boulton, 1805:49-57; Smith, 1846:130; Crysler, 1943; Armstrong, 1985:146; Rayburn, 1997:241).



Town of Niagara (Niagara-on-the-Lake)

The Town of Niagara, today known as Niagara-on-the-Lake, was first surveyed on the government reserve north of the East-West Line in 1790. Originally known by several names, including “Lennox,” “Butlersburg,” and “West Niagara,” the town was given its present name in 1903, to avoid confusion with Niagara Falls.

In 1792, the town became the temporary capital of Upper Canada. In 1796, the seat of government was transferred to York (Toronto), but Niagara remained the County seat for Lincoln until 1866 when it was transferred to St. Catharines. Niagara was an early mercantile and shipping centre and contained many substantial houses and businesses built during the first decade of the nineteenth century. It also contained one of the first Masonic Lodges in Ontario, as well as the first public library in Ontario. Niagara was captured during the War of 1812, and almost entirely destroyed when retreating American forces under General McClure fired the town in December 1813. Fort George was partly destroyed at that time, and Fort Mississauga was constructed out of the rubble of the town in 1814-15. Niagara was rebuilt during the late 1810s through the 1830s, but it never fully regained its pre-War prominence. By the late nineteenth century, Niagara was also famous as a resort and vacation destination during the summer months. In 1873, the population numbered 1,600 (Crossby, 1873:221).

In the first half of the twentieth century, the now-renamed Town of Niagara-on-the-Lake housed military camps set up during both World Wars. Today, the town is known for its heritage homes, the theatre, and fine shopping and dining (Winearls, 1991:754; Scott, 1997:159-160; Rayburn, 1997:241).

Development of Lot 57, Registered Plan 86

The subject property comprises a portion of Lot 57 of Registered Plan 86. The early land ownership of Lot 57 is very muddled and difficult to trace due to several gaps in the chain of title, which was either caused by the destruction of the pre-1813 records or by the transfer of the land through deeds, which were not registered.



This one-half acre (0.202 hectare) lot was originally granted to James Fitzgerald. Fitzgerald had submitted a petition to the Executive Council in late September 1793 praying for a grant of “vacant Lot 57” in the town of Newark (Niagara). The recitals in the petition noted that Fitzgerald was “desirous to improve on a vacant lot” and to become a permanent settler. The petition was received and read before the council and approved on November 30, 1793. Further records indicate that a Land Board Certificate was issued to Fitzgerald for this lot on December 21, 1793, and that a “description” for it was issued by the Surveyor General’s office in November 1795. Fitzgerald was referred to in a list of lot owners dated May 20, 1795. Other early land-related records suggest that Andrew Heron possessed some interest in part of this lot (Anonymous, no date[a]; Anonymous, no date[b], report from Thomas Rideout, September 5, 1817:15953-15955; Anonymous, no date[a]:Niagara Town “Township Papers,”:478).

The place and date of birth are not known for Fitzgerald, although he was undoubtedly a native of Ireland. He had settled in Niagara sometime prior to September 1793 where he established himself in business as an innkeeper. Fitzgerald drowned sometime prior to October 20, 1794, and notices to his creditors were published in the *Upper Canada Gazette* by his attorney, James Clarke, between June and August 1795. Other notices published in the newspapers noted that Andrew Heron was “trustee” for the Fitzgerald estate, and the creditors of the estate were called to meet at Wyer’s Tavern at Niagara on September 15. Fitzgerald was married to a woman named Ann Connolly by whom he left no issue. After his death she was married at St. Mark’s (Anglican) Church on January 28, 1795, to John Cain. This John Cain may have been the son of Barnabas Cain. Notices in the *Gazette* stated that accounts for debts owing to the estate could also be paid to John Cain and his wife. Ann Cain had originally been granted Letters of Administration by the Surrogate Court with respect to the Fitzgerald estate on December 1, 1795. This power was granted to her with the provision that she provided the court with an inventory of the effects of the deceased. She entered into a bond amounting to £1,000 with sureties James Hurst and Donald Grant for the just administration of the estate. On July 22, 1796, Joseph Edwards (a respected merchant and local magistrate) applied to the surrogate court for new Letters of Administration to be granted to him for settlement of the affairs of the estate. His petition to the court also requested



that the administration previously granted to Mrs. Ann Cain be revoked, on the grounds that she was “wasting the estate of the deceased without paying the just debts,” and that she “is likely to make devastation of the remaining part thereof without paying the debts of the deceased.” Two prominent inhabitants of Niagara, Colin McNabb and William Johnson Chew, stood as bondsmen or sureties for Edwards.

Mrs. Cain was subpoenaed to appear in court and show cause “if any she has” as to why the administration should not be revoked. New Letters of Administration appear to have been subsequently granted to Edwards. The fate of Mrs. Cain took a sinister turn, since the *Canadian Constellation* newspaper reported that Mrs. Ann C. Cain had been hired to work as a servant by a local merchant named George Forsyth. In June 1800, Cain was “killed by blows and kicks inflicted by a fellow servant” named Charles Trump while they were in the employ of Mr. Forsyth. Trump was to stand trial for her murder at the next assizes. The editor of the *Constellation* newspaper cautioned his readers that this was “a sorrowful instance...and let it be a warning to those who forgetting they are men, and in a gust of passion, assail a woman, weak woman, who under every circumstance has a claim to our tenderness and protection, even in her transports of fury.” Reports from the *Constellation* were reprinted by the editor of the *Niagara Mail* as an item of curiosity in 1855. It is not known whether the original newspaper from 1800 has survived.

In August 1795, John Cain was named as having some interest in farm Lot 25 in Niagara Township, which had been granted to the late James Fitzgerald. The original certificate that granted the land to Fitzgerald could not be produced since it was believed to have been on his person when he was “drown’d.” This lot later formed part of the land assembly of John McFarland on the Niagara River Road. There was reference to the death of one John Cain, who died at the Four Mile Creek at the residence of his son, on March 27, 1841, aged 80 years. This may not be the same individual, since he would have been several years older than the son of Barnabas Cain (*Upper Canada Gazette*, June 10 and August 19, 1795; St. Mark's Marriage Register, 1795; Lincoln County Surrogate Court, 1795; *Canadian Constellation*, June 21, 1800; *Christian Guardian*, April 7, 1841; *Niagara Mail*, August 22, 1855; Carnochan, 1914:71).



Records of losses sustained by the inhabitants of the Town of Niagara during the War of 1812 referred to the destruction of a house owned by “Fitzgerald” for which £100 was claimed. It is uncertain whether the claim was submitted for a house on this particular lot.

At some point after the War of 1812, Rodman (or Rhodman) Starkweather and Russell Searle Brown acquired an interest in part of this lot. The first deeds in the subsequent chain of title contain a very vague description, simply referring to the land sold as “part of the northerly part of Lot 57” (Anonymous, no date[c]:Lot 57).

Starkweather (born February 7, 1789) was a native of Preston, near New London, Connecticut, and the son of Charles and Deborah Starkweather. He is known to have been a medical student during the winter of 1815, and was referred to as “Dr. Starkweather.” He settled in the Town of Niagara in 1819, where he established his drug store on Queen Street in the shop now known as the “Niagara Apothecary.” Starkweather was in partnership with Russell Searle Brown as druggists in a firm known as “Brown & Starkweather.” Starkweather was named in various lawsuits, which were brought before the magistrates at the Niagara District Quarter Sessions between April 1828 and July 1836. These included assault and battery charges brought against him by Valentine Butterfield and Patrick Handy (a Niagara grocer) in April and July 1828. In July 1830, Starkweather was a witness in a larceny suit having refused to accept a stolen bank note as payment for goods in his shop. In January 1833, Starkweather was assaulted in his shop by the merchant John Alma who pleaded “guilty” to the charge. In July 1836, Starkweather and Brown had an individual named Charles Walsh confined in the Niagara gaol on some unspecified charge. Starkweather served on the Grand Jury at the Quarter Sessions in October 1829 and again in March 1835. By 1837, Brown and Starkweather had relocated to Buffalo where they borrowed money heavily from other merchants and banks. Brown executed a promissory note for \$50,000 in favour of George Truscott, and mortgaged part of the partnership property in order to secure the loan. The mortgage was foreclosed upon and formed the basis for a case (Truscott vs. King) heard in the Supreme Court for the State of New York, and which dragged on until at least September 1849 (Selden, 1854). Rodman was married to Martha Baldwin Brown (circa 1800-April 24, 1881) sometime around 1821. She was the daughter of



Humphrey Brown, and her obituary noted that she was “a leader in Buffalo society” during the 1840s, “distinguished for her high social qualities, elegant manner, and great hospitality.” They raised a family of six children (three sons, three daughters), all of whom were born at Niagara between April 1822 and October 1833. Rodman died at Buffalo on March 22, 1858 (*Christian Guardian*, May 21, 1831; Phillips, 1850:440-445; Narhi, 2006:files 2-24, 2-25, 2-28, 4-9, 7-49, 13-33, 14-18, 19-20, and 24-15; Barbour, 1859:346-351; *Buffalo Commercial Advertiser*, April 25, 1881:2; Bryant and Voss, 1975:52-53).

Russell Searle Brown (born circa 1803) was probably a native of New York and was the business partner of Rodman Starkweather. Brown was named a few times in the records of the Niagara District Quarter Sessions. Brown may have been the defendant in a charge of assault and battery brought before the courts by one John Courtney in April 1825 (or 1826?). The defendant in the case was simply recorded as “Russell Brown.” Brown died in Buffalo on March 26, 1844, and he bequeathed the bulk of his estate to Starkweather (Narhi, 2006:file 8-30).

In July 1835, Starkweather and Brown quit-claimed their interest in Lot 57 to Ralfe Clench (Junior). In March 1837, Clench quit-claimed his interest in this land to the widow Elizabeth Clench for £25. In February 1840, Elizabeth quit-claimed her interest in this property to her children, Francis Andrew Bernard Clench, Hannah Clench, and Priscilla Clench, for £25. Recitals contained in a subsequent deed showed that Elizabeth Clench was indebted in the amount of £932.15.0. in favour of Edward Clarke Campbell. The sheriff was ordered to seize any property that Clench owned in order to satisfy the debt. The sale of her personal property only raised £28.14.0. and her real property was estimated to be valued at £150. This land remained in the hands of Sheriff William Kingsmill “for want of a purchaser.” The court eventually ordered Kingsmill to sell the land at the best possible price. In July 1843, Kingsmill sold this land to Hannah Catherine Clench for £141. The land transferred to her was described as 7,376 square feet in extent. The parcel measured 39 feet (11.88 metres) on Queen Street by 166 feet (50.59 metres) on Victoria Street. The north side of the property measured 64 feet (19.50 metres) in width and ran parallel to Queen Street. The east side of the parcel was irregularly shaped. In that same month, Eliza, Hannah, and F.A.B. Clench sold this parcel to



Charles Coxwell Small for £157 (Anonymous, no date[f]:#11760, 11780, 12828, 1445, 1446).

Ralfe Clench Senior (1762-January 19, 1828) was a native of Schenectady, New York and had served as a Lieutenant in Captain William Caldwell's Company in Butler's Rangers during part of the American Revolutionary War. Lieutenant Clench was at Niagara, apparently as a single man, in November 1783. He held numerous local government positions such as registrar of the Surrogate Court, clerk of the District Court, and clerk of the peace, as well as being an auctioneer in the Town of Niagara. Clench Senior was also elected to the House of Assembly for Upper Canada, where he sat between 1800 and 1820. Clench served in the Lincoln Militia and was socially prominent in the Town of Niagara.

Ralfe was married at Niagara sometime during the late 1780s¹ to Elizabeth Johnson (circa 1773-August 15, 1850), a native of Johnstown, New York, and the daughter of Brant Johnson (or Keghneghtago, 1742-1818) by his wife Margaret Campbell. Elizabeth was therefore the granddaughter of Sir William Johnson by his Mohawk wife Elizabeth Brant.² Clench Senior was fluent in native languages and was described by an eyewitness as "a young man of liberal education...equally capable of entertaining company on an organ and of translating speeches into Iroquois." Ralfe and Elizabeth raised a family of twelve children. The first home built by Ralfe Senior survived the burning of the Town of Niagara in December 1813, but was accidentally destroyed by fire shortly thereafter. He built a large home for his family at 234 Johnson Street, which was completed around 1824 and still stands today. As a mark of esteem, Clench Senior was interred in the private family burial ground of Colonel John Butler (Anonymous, 1880a:586-590; Anonymous, 1880b; Fryer and Smy, 1981:54; Wilson, 1987:154-154; Taylor, 1992:6).

¹ Some sources state that the marriage took place on July 21, 1792.

² Some sources state that Brant Johnson was the son of Sir William Johnson by his German wife, Catherine Wissenberg or Wysenbergh.



Ralfe Clench Junior (October 22, 1806-November 18, 1880) was a native of Niagara and the son of Ralfe and Elizabeth (Johnson) Clench referred to above. Ralfe Junior, like his father, held several local government posts including postmaster, magistrate, town councillor, assessor, and clerk of the county court. He was also a tavern keeper, a druggist, and “kept the ferry” for twenty-five years. He was married to Catherine Prior and raised a family of at least three sons. Ralfe died from typhoid fever (Anonymous, 1851a, division 1:66/131; Archives of Ontario, no date, death registration #9070/1880).

Francis Andrew Bernard Clench (born January 15, 1815) was born in Niagara and the son of Ralfe and Elizabeth (Johnson) Clench. He was the Registrar of the Surrogate Court for Lincoln County, and Clerk of the County Court. Clench served as the Lincoln County Clerk and was a Justice of the Peace. He was a Niagara town councillor for seventeen years, served as deputy town clerk, and was elected Mayor on three occasions. Clench served as a lieutenant in the Queen’s Niagara Fencibles in 1837-38. Despite his status within the community, Clench was brought before the magistrates in June 1833 and charged with assault and battery by James A. Clement. He died from kidney disease on May 20, 1887 (Anonymous, 1851b, division 1:66/131; Archives of Ontario, no date, death registration #9605/1887; Narhi, 2006:file 14-29).

Hannah Catherine Clench (baptized January 29, 1795) was a native of Niagara and the daughter of Ralfe and Elizabeth (Johnson) Clench. She did not marry and lived at home with her siblings. Hannah was still alive in 1851. Priscilla Stuart (or Stewart) Clench (born 1799, baptized April 27, 1800) was her sister. Priscilla was married to Henry Dilke, an English-born druggist. They moved to the Town of Thorold where they resided in 1851. There does not appear to have been any issue from this marriage. Priscilla died as the result of “general debility” in the Town of Niagara on April 30, 1887 (Anonymous, 1851c, division 2:8/15; Archives of Ontario, no date, death registration #9604/1887).

Another part of Lot 57 was acquired through an unregistered deed by Archibald Gilkison (or Gilkinson) of Queenston. In December 1840, Gilkinson quit-claimed his interest in this property to Patrick Finn for the sum of five shillings. The deed referred to the property as being located on the south-east side of the Clench lot



and formed a parallelogram 34 by 120 feet (10.36 by 36.58 metres) in size (Anonymous, no date[e]:#164).

Gilkison (born circa 1815) was a native of Upper Canada and the son of Captain William and Isabella (Grant) Gilkison. His father had served in the province during the War of 1812 and is believed to have been present at the Battle of Crysler's Farm in 1813. His mother was the daughter of the Honorable Alexander Grant (R.N.) and his father, Captain Gilkison, was named as one of the "founders" of the Town of Elora in the 1830s and was a cousin of John Galt of the Canada Company. Gilkison studied law in the Town of Niagara under Charles Richardson, who was the clerk of the Niagara Quarter Sessions³. He then went on to further his legal studies in Toronto under William Henry Draper who served as the Solicitor General and as the Attorney General for Upper Canada. Gilkison was called to the bar of the Law Society of Upper Canada during Hilary term of 1837. Around that time, he was called upon to provide evidence in an assault and battery case that was heard before the magistrates at the Niagara Quarter Sessions. Gilkison later petitioned in 1847 that he be allowed to practice as an attorney and solicitor in the Court of Queen's Bench and in the Court of Chancery. He resided in the village of Queenston and in the Town of Niagara, but later moved to Hamilton, then Brantford, and later Elora, and served for a time as judge in the Town of Picton. He was also the secretary of the Brantford & Buffalo Railway Company during the early 1850s. Gilkison was married in September 1836 to Hannah McCormick (1818-1889). She was the daughter of Thomas McCormick (1784-1867), the manager of the Niagara branch of the Bank of Upper Canada, by his wife Augusta Jarvis (1790-1848). Hannah was therefore the granddaughter of the Provincial Secretary, William Jarvis, by his wife Hannah (Peters) Gilkison. Together, they raised a family of seven children (one daughter, six sons) who were born between

³ Charles Richardson (1805-1848) was the son of Dr. Richardson and brother of the early Canadian novelist Major John Richardson. Charles studied law and was one of the men who sacked the printing office of William Lyon Mackenzie in the Town of York in 1826. He was elected to the House of Assembly for Upper Canada, and represented the Town of Niagara between 1834 and 1841. Richardson was married to Eliza Euretta Clench, the daughter of Ralfe and Elizabeth (Johnson) Clench. Archibald Gilkison may have become acquainted with the Clench family during the period when he studied law under Richardson, and perhaps he purchased part of Lot 57 directly from some member of that family.



1837 and 1854. The family belonged to the Church of England. Gilkison died in 1876 (*Toronto Correspondent and Advocate*, October 26, 1836; Anonymous, 1851a, division 2:67; Anonymous 1861a, division 1:20; Jarvis, 1879:17, 61, 104-105; Chadwick, 1894:120-121; Carnochan, 1914:242; Connon, 1975:51-52, 58, 110, 175; Armstrong, 1985:131; Narhi, 2006:file 29-27).

Finn (born circa 1800) was a native of Ireland who settled in the Town of Niagara in 1836. His name was recorded in the minutes of the Niagara District Quarter Sessions as early as July of that year when he was appointed to serve as one of the constables for the town. Finn also served as a constable and as the crier at the sessions. In October 1836, he submitted a charge to the Quarter Sessions for his services as a constable at the execution of convicted murderer Aaron Seely at Niagara. In March 1840, he was called upon to provide testimony at the trial of Mark Kennedy, who was charged with the theft of 40 wooden railings. In August 1840, the magistrates approved paying Finn a salary of £20 per annum as crier, rather than simply paying him per diem for his services. At the same sessions, Finn brought charges against one Ambrose Oakes, a labourer in the town, who stole a jar, a plate, a tin dish, some milk, butter, and raspberry preserves from Finn. In December 1840, Finn acted as surety for two men who applied for tavern licences in the Niagara District. Finn was described in the 1851 census as the “high bailiff” for Niagara, and simply as “bailiff” in the 1861 census. Finn was married circa 1833 to Mary (or Maria) Eagen (circa 1810-before 1861) who was also a native of Ireland. They raised a family of at least seven children (three daughters, four sons) who were born between 1834 and 1848 and were sufficiently affluent that they could employ a domestic servant. A few of their children died in infancy and are interred in St. Vincent de Paul (RC) Cemetery in Niagara-on-the-Lake. Presumably Mary/Maria Finn is also buried there. Patrick Finn was no longer enumerated in the 1871 census for Niagara, and it has been suggested that he may have returned to Ireland (Narhi, 2006:files 24-2, 25-1, 31-18, 32-1, 38-20, 39-21, 40-19, 40-21).

All prior interests in Lot 57 held by Heron, Starkweather and Brown, Clench, Small, Gilkison, and Finn appear to have been cut out in order to provide a clear title to the property. An assignment was made by the Surveyor General and a new patent was issued on October 13, 1842, to Mary Ann McAuliff (or McAuliffe) and



Catherine Fitzgerald. These women were the “co-heiresses” of the late James Fitzgerald through the estate of their father, Patrick Fitzgerald, who was the eldest brother and heir of James Fitzgerald (Anonymous, no date[d]:337).

Little biographical information is available for McAuliff. A Roman Catholic, she was the daughter of Patrick Fitzgerald, a native of Ireland, and the wife of John McAuliff[e]. In the early 1870s, she was a resident of Monkstown in County Cork, in southern Ireland. Her husband had died sometime prior to August 1848, but it is unknown when Mary Ann died.

Likewise, there is little information about Catherine Fitzgerald. She was the daughter of Patrick Fitzgerald and was described in deeds as the “heiress at law of the late James Fitzgerald.” In 1848-1849, she was a resident of Toronto, in a house called “Primrose Cottage” on Queen Street East, but by 1850, she appears to have moved to Niagara. The 1851 census for the Town of Niagara showed that Catherine was born in Ireland circa 1810, was a spinster, and a Roman Catholic. She appears to have been a member of the household of a baker named Robert Torrance. In 1861, she was a member of the household of James D[ooerty?], a shoemaker. It is unclear in these instances what status Fitzgerald held within the household beyond that of a tenant since no occupation was listed for her. Her name was not found in any subsequent census returns for the town, and land deeds clearly stated that she was dead by June 1872 (Anonymous, 1851b, St. David's Ward, division 1:79/40; Anonymous, 1861b, division 2:23).

Another part of this lot appears to have been sold and mortgaged through unregistered deeds. A map of the town compiled circa 1826 showed the words “estate of John Willson” on Lot 57. Other records show that the lot was occupied by Andrew Willson, who was possibly a long-term tenant on the property. This part lot was seized by Sheriff William Kingsmill in July 1850 “at the suit of the Bank of British North America” and the “lands and buildings and erections thereon” were to be offered for sale by him at a public auction that was to be held at the Court House at noon on October 19 (*Niagara Chronicle*, July 16, 1850).

Little is known about Andrew Willson. The Niagara District Quarter Sessions records show that a man by this name recommended Garrett Vanderburgh for a tavern licence in Thorold in January 1829, and Willson was also selected to sit on



the petit jury for the assizes in March 1833. The Sessions records also include lists of prisoners confined in the Niagara gaol; one of the prisoners was Andrew “Wilson” who was confined in September and October 1832 for an unspecified crime, but who was committed on the orders of Niagara merchant and magistrate John Alma for a second time on the charge of “enticing a soldier to desert.” Wilson was confined to the gaol from November 1834 until at least May 1835. The name “Andrew Willson” was not found in any of the subsequent decennial census returns for the Town of Niagara (Narhi, 2006:files 3-10, 13-1, 14-14, 18-2, 18-15, 19-18, 20-1).

In February 1848, Catherine Fitzgerald ran an advertisement in the *Niagara Mail* newspaper for the sale of Lots 57, 58, and 59. In August 1848, Fitzgerald sold her interest in the remainder of the lot to Mary Ann McAuliff for £500. This property was 1.5 acres in extent (0.607 hectare) and included parts of Lots 57, 58, and 59. In July 1850, Fitzgerald once again ran an advertisement in the newspapers for the lease of these lots “for building,” which suggests that the property was vacant at the time. Fitzgerald must have acted in the capacity of agent for McAuliff (Anonymous, no date[f]:#1553; *Niagara Mail*, February 2, 1848 and July 31, 1850).

In June 1872, McAuliff sold this property to Peter Clarke and Henry Paffard for \$400 (Anonymous, no date[c]:#426).

Clarke (born circa 1815) was a native of Ireland who settled in the Town of Niagara sometime before 1871. He was described in the property deed as a “gentleman.” His and his wife Margaret were members of the Roman Catholic Church and appear to have been childless. The census returns showed that they employed one or two domestic servants. Margaret died on June 8, 1877, and was interred in St. Vincent de Paul Churchyard. Peter died sometime after 1881 (Anonymous, 1871, Centre Ward, division C:24; Lovell, 1871:559; Anonymous, 1881, division A:23; Clarke tombstone inscription, St. Vincent de Paul Cemetery).

Paffard (born May 24, 1824) was a native of Portsmouth, England and the son of Thomas and Mary (Miall) Paffard. He immigrated to Canada with his family in 1850 and settled in the Town of Niagara, where he established himself in business as a druggist in the shop now known as the Niagara Apothecary. Paffard sold a variety of products, some of them with exotic names such as “Dr. Garden’s Worm



Tea” and “Rose Hair Gloss.” His brother Frederick Paffard settled in St. Catharines where he also operated a drug store on St. Paul Street. The death of their father at the age of 80 in March 1860 was noted in the St. Catharines newspapers. Paffard was married to Hannah Eliza Wilson (1828-February 10, 1899) around 1860. They raised a family of four children (one son, three daughters) who were born at Niagara between 1864 and 1869. Paffard was elected mayor of the town in 1871, and he also served as the treasurer for the Ontario and Erie Ship Canal Company. He served for several years as the vice-president of the Niagara Historical Society. Paffard’s wife died as the result of “typhoid pneumonia,” after which he remained in Niagara for a few years, but by 1906 he had moved to the Assiniboia District of Saskatchewan; by 1911, he was a resident of Kootenay, British Columbia. In 1912, Paffard died and his remains were brought back to Niagara for burial in St. Mark’s (Anglican) Churchyard (*St. Catharines Semi-Weekly Post*, June 22, 1855; *St. Catharines Journal*, Mar. 8, 1860; Anonymous no date[c], Anonymous 1871, Centre Ward division C:10; Lovell, 1871:560; Anonymous no date[f]; Anonymous, 1901, division H2:4; Anonymous, 1906; Anonymous, 1911, district 9, sub-district 25:8; Archives of Ontario, no date, death registration #15731/1899; Niagara Historical Society pamphlets “List of Officers;” Paffard tombstone inscription, St. Mark’s Cemetery).

Four months later, in early October 1872, Clarke and Paffard sold this lot and part of Lot 58 to Sarah Kirby Garrett for \$605. The property that Garrett purchased measured 150 feet (45.7 metres) along Queen Street by the depth of the lot. This property was divided into three parcels each measuring 50 feet (15.24 metres) in width (Anonymous, no date[c]:deeds #444, 445, 448).

Garrett (born circa 1817) was from New York and the wife of Henry A. Garrett (born January 1, 1813), who was a merchant in New York City. Henry was born in Upper Canada, and the son of Alexander and Emelia Garrett. The 1850 and 1860 censuses for New York simply referred to Henry as a “merchant.” (Anonymous, 1850). The 1870 census specified that Henry was an “importer of silks.” The Garrett household included their daughter, (Mary) Augusta (born circa 1844), and her husband, Franklin Martine (born circa 1843), who was also a silk importer. Augusta and Franklin were married at Manhattan in early October 1865, and they had a young son, Henry J. Martine (born circa 1866). The Garrett household



employed four domestic servants. Sarah K. Garrett died at Manhattan on December 23, 1874, and she was interred at Woodlawn Cemetery. By 1880, Henry Garrett and the Martine family had moved to the Town of Niagara. Martine did not remain in the area and had returned to New York with his family by the autumn of 1884. Henry Garrett was married at Niagara in January 1880 to Alice Hewgill (born England, March 1851). One of the witnesses at the marriage was the druggist, Henry Paffard. Henry and Alice Garrett had one daughter named Mary Alice (born November 1880). Garrett was described in the 1881 census for Niagara as a “gentleman,” but later censuses referred to him as a “wholesale merchant.” Henry died at Niagara as the result of “senile decay” on April 1, 1903 (Anonymous 1901, division H3:3).

In August 1874, Henry A. and Sarah Garrett sold this land to Richard Brown for \$125 (Anonymous, no date[c], #678). Although Brown was described in the property deed as a “gentleman” of the Town of Niagara, his name could not be found in the census returns for Niagara from 1871 and 1881 under the spellings of “Brown” or “Browne.” Two weeks later, Brown flipped this property and sold it to three spinsters named Mary Jane, Susan, and Eliza Hall (Anonymous, no date[c], #683).

The Hall sisters were the daughters of John Hall (Born circa 1815-August 15, 1895) who was from Ireland. He joined the British army around 1830 and served as a Sergeant in the 1st Dragoon Guards. This regiment was transferred to Niagara in the summer of 1838. Hall settled in the Town of Niagara where he was employed as a customs officer and customs inspector beginning in 1845. He was married in Wales in September 1835 to Jane Goodyere (1818-1874), and they raised several children including the sisters who owned this property. Mary Jane (born September 8, 1845) and Susan (born December 10, 1847) lived at home with their widowed father. Eliza (1854-April 8, 1892) was married in August 1880 to a merchant named Michael Gartlan and they resided with their six children in Stayner. The Hall family belonged to the Roman Catholic Church, although John Hall was sometimes identified as a member of the Church of England. Susan Hall died at the St. Catharines General Hospital on March 10, 1915, from “senility,” and Mary Jane died at Stayner on January 14, 1932, from “hemiplegia.” Susan was buried with her parents at St. Vincent de Paul Cemetery in the Town of Niagara,



and Mary Jane and Eliza are both interred at St. Patrick's (RC) Cemetery in Stayner (Anonymous 1861a, division 1:14; Archives of Ontario, no date, death registrations #10082/1895, 19782/1915, 30110/1932; Anonymous, 1891a; Anonymous, 1891b; Hall family tombstone inscription, St. Vincent de Paul Cemetery; Gartlan family tombstone inscription, St. Patrick's Cemetery, Stayner).

In August 1877, the Hall sisters sold part of this property to William John Campbell. In December 1882 and October 1884, Campbell purchased additional parcels. In June 1901, prior owner Henry Paffard executed a quit claim deed in favour of Campbell. This quit claim deed was probably registered in order to clear any outstanding clouds from the title to the land (Anonymous, no date[c], #801?, 1269, 1407, 2879).

William Campbell (born January 6, 1848) was a native of the Town of Niagara and the son of Johnson and Ellen (Sagar) Campbell. William was trained as a blacksmith and pursued this occupation for more than thirty years. In the early 1900s until at least 1921, Campbell was employed as "house carpenter." He was married at Niagara in November 1872 to Barbara Jane Davidson (born January 9, 1848), a native of the Town of Niagara and the daughter of John and Isabella (Torrance) Davidson. John Davidson had settled in the Town of Niagara in 1846 as a "builder." William and Barbara raised a family of at least eight children, four sons and four daughters, who were born between 1873 and 1891. A few of the children died during their infancy. Campbell was a member of the Church of England whereas his wife was a Presbyterian. He suffered a fall and fractured his femur and died shortly thereafter on December 11, 1932, from myocardial failure. He and his wife were interred in St. Andrew's (Presbyterian) Churchyard in Niagara-on-the-Lake (Anonymous, 1861c, division 2:22; Anonymous, 1881, division A:30-31; Anonymous, 1901, district 85, sub-district 11-2:2).

In December 1932, the title to this property fell into the possession of Barbara Jane Campbell through the estate of her late husband William John Campbell. Barbara Jane Campbell died on July 3, 1939, from "senility" (Archives of Ontario, no date, death registration #22794).



188 Victoria Street

In April 1901, William Campbell sold a parcel in the centre of Lot 57, which measured 48 by 95 feet in size (14.63 by 28.95 metres), commencing 70 feet (21.34 metres) north of the intersection of Queen and Victoria Streets to J. Jefferies (Anonymous, no date[c], #2888A, 6655); this parcel corresponds to the current subject property at 188 Victoria Street. After Jefferies' death in 1927, the parcel was sold to William Harrison and his wife, Annie, who granted the land to their son, Roger D. and his wife, Gertrude, in 1967. Gertrude Harrison then sold the property to Comcrest Limited in 1972. In 1976, Comcrest Limited transferred the parcel to Pine Tree Lane Properties Limited (possibly a subsidiary), and it was leased to John and Olga Kulak. Then in 1978, Comcrest sold the parcel to Ursula E. Anderson. Anderson flipped the property the following year, selling it to Dorsur Investments Limited, who then sold it to John Law in 1985. In the twenty-first century, the subject property was converted for commercial use and was last occupied by the Pie'zza Pizzeria from 2016 until 2022, when it was acquired by the proponent for whom the current archaeological assessment is being conducted.

The structure located at 188 Victoria Street was built in 1880 and exhibits features typical of a Queen Anne revival style, including a gable-front-and-wing style, a shingled gable, and large windows (Hill, 1986:104). There are bay windows at the front (west) and side (south). A tall 1/1 sash window is set above the front bay window, stretching nearly to the roof.

Historical mapping (discussed below) clearly shows that there were no structures standing on Lot 57 between 1815 and 1833. A map from 1837 contained the notation "very closely built on" for Lots 57-58 but this may have been in reference to the Queen Street commercial frontage only. The title search and other records have shown that the Fitzgerald heirs attempted to sell their property as building lots and advertised them for lease during the late 1840s and early 1850s. Low purchase prices during the early 1870s suggest that there were no significant structures on the land at that time. William John Campbell purchased parts of Lot 57 under three deeds dated August 1877, December 1882, and October 1884. The consideration paid for these parcels (\$100, \$50, \$325) suggests that the property



remained vacant and was bought and sold on speculation. A construction date between circa 1877 and 1885 was inferred for the house to the north of this structure (178 Victoria Street) based upon the historical mapping, land registry records, and its architectural style (Archaeological Services Inc., 2019a), which places the development of the two houses in the north part of Lot 57 at roughly the same period.

City Directories

There are very few directories for the Town of Niagara-on-the-Lake, and many of those that were published did not always include the street numbers for the various households listed and are therefore of limited usefulness. Families were normally listed as residents of their street, such as “Victoria Street,” or “Queen Street.”

Listed or Designated Structures

In June 1987, the Town of Niagara-on-the-Lake passed a by-law (1667-86) which designated the Queen-Picton neighbourhood as a Heritage Conservation District (H.D.C.). The H.C.D. is bounded on the east by Wellington Street, on the south by Johnson Street, on the west by Gate Street, and on the north by Prideaux Street (Anonymous, no date[a], #543965).

Part V of the Ontario Heritage Act gives municipalities the ability to designate heritage conservation districts. These districts are areas whose cultural heritage value contributes to a sense of place extending beyond their individual buildings, structures, and landscapes. Once a heritage conservation district designation by-law is approved, property owners in the district require a permit from the municipality for any alteration that is not considered to be “minor,” as well as for demolitions or new construction within the boundaries of the H.C.D. Heritage value may be attributed to representative examples of architecture and does not require that they be outstanding or unique. Further, the value may be “associative,” which is tied to historical persons or events and is distinct from the built heritage of the district.



A map of the Queen-Picton H.C.D. prepared by the Town of Niagara-on-the-Lake for the designation by-law includes 188 Victoria Street as one of the residential structures within the H.C.D.

1.2.3 Review of Map Sources

A review of nineteenth- and early twentieth-century mapping was completed to determine if these sources depict any nineteenth-century Euro-Canadian settlement features that may represent potential historical archaeological sites within or adjacent to the subject property. Historic map sources are used to reconstruct/predict the location of former features within the modern landscape by cross-referencing points between the various sources and then georeferencing them in order to provide the most accurate determination of the location of any property from historic mapping sources. The results can be imprecise (or even contradictory) because sources of error, such as the vagaries of map production, differences in scale or resolution, and distortions caused by the reproduction of the sources, introduce error into the process. The impacts of this error are dependent on the size of the feature in question, the constancy of reference points on mapping, the distances between them, and the consistency with which both are depicted on historic mapping.

In addition, not all settlement features were depicted systematically in the compilation of these historical map sources, given that they were financed by subscription, and subscribers were given preference with regards to the level of detail provided. Thus, not every feature of interest from the perspective of archaeological resource management would have been within the scope of these sources.

The subject property, as overlaid on the 1876 *Illustrated Historical Atlas of the Counties of Lincoln and Welland* (Figure 2) and its accompanying *Village of Niagara* insert (Figure 3) (Page, 1876), is shown within a town block, two blocks west of a railway corridor. The Niagara River is depicted a similar distance to the northeast. The more detailed Village insert shows the town block divided into eight numbered lots, with the subject property depicted in the centre of Lot 57, fronting Victoria Street to the west, just northeast of the junction with Queen Street (Figure 3).



Early topographic mapping was also reviewed for the presence of potential historical features. Land features, such as waterways, wetlands, woodlots, and elevation, are clearly illustrated on this series of mapping, along with roads and structure locations. On the 1906 Niagara Topographic Map (Department of Militia and Defence, 1906), the subject property is depicted on the 294-foot (89.6-metre) elevation contour in the north of Niagara-on-the-Lake adjacent to the commercial district (Figure 4). There are buildings shown fronting the planned streets shaded in black to show their designation as commercial structures. While georeferencing appears to place the subject property in a vacant area between building blocks, the historical background research indicates the current structure on the property was built in 1880 (see Section 1.2.2 above).

1.2.4 Review of Aerial Imagery

Selected aerial imagery was also reviewed to better understand the land use and development history of the subject property.

Figure 5 shows the subject property overlain on the 1934 and 1968 aerial photographs (Niagara Region, no date; Brock University, 2018). On both images, the extant house is visible in the centre of the subject property fronting Victoria Street to the northwest, which is visible as a tree-lined street. There is a house immediately southwest of the property, and the Royal George Theatre abuts the subject property along its southeast limit, both structures front Queen Street. A house surrounded by a maintained lawn is visible to the north.

1.3 Archaeological Context

This section provides background research pertaining to previous archaeological fieldwork conducted within and in the vicinity of the subject property, its environment characteristics (including drainage, soils, surficial geology, and topography), and current land use and field conditions.

1.3.1 Registered Archaeological Sites

In order that an inventory of archaeological resources could be compiled for the subject property, three sources of information were consulted: the site record



forms for registered sites housed at the Ministry, published and unpublished documentary sources, and the files of Archaeological Services Inc.

In Ontario, information concerning archaeological sites is stored in the Ontario Archaeological Sites Database, which is maintained by the Ministry. This database contains archaeological sites registered within the Borden system. The Borden system was first proposed by Doctor Charles E. Borden and is based on a block of latitude and longitude. Each Borden block measures approximately 13 kilometres east to west by 18.5 kilometres north to south and is referenced by a four-letter designator. Sites within a block are numbered sequentially as they are found. The subject property is located in the centre of the AhGs Borden block.

Twenty-nine archaeological sites have been registered with an approximate one-kilometre radius of the subject property (Ministry of Citizenship and Multiculturalism, 2023). A detailed summary of these sites is in Appendix A. The nearest site, AhGs-394, a grocery store/stable, is approximately 75 metres southwest of the subject property near the east corner of Queen Street and Victoria Street. In addition, AhGs-82, a Euro-Canadian homestead, is approximately 90 metres northeast of the subject property, and the Cassady site (AhGs-381), is approximately 100 metres northwest.

1.3.2 Previous Assessments

There are no archaeological assessments known to have been conducted within the subject property, but seven previous archaeological assessments have been conducted within 50 metres of the property: three at 106 Queen Street, two at 65 Queen Street, and two at the combined 79-83 Queen Street and 178 Victoria Street addresses.

In 2015, Detritus Consulting Limited conducted a Stage 1 and 2 Archaeological Assessment at 106 Queen Street under Ministry Project Information Form P017-0455-2015 (Detritus Consulting Limited, 2016a). The rectangular study area is located approximately 50 metres southwest of the current subject property. During the course of the survey, the Euro-Canadian site AhGs-394 was encountered. Site AhGs-394 was associated with the early commercial development of Niagara-on-the-Lake, and a Stage 3 Archaeological Assessment



was recommended (Detritus Consulting Limited, 2016a). Detritus Consulting Limited conducted subsequent Stage 3 and 4 Archaeological Assessments of Euro-Canadian site AhGs-394 under Ministry Project Information Forms P017-0473-2016 and P017-0479-2016, respectively (Detritus Consulting Limited, 2016b, 2016c). During the Stage 3, a total of 10 test units were excavated in areas of high artifact yield and other areas of interest. Four subsurface features were also observed across the site, including a stone foundation. In total, the Stage 3 resulted in 2,563 artifacts being retained, most of which dated to the early-mid nineteenth century (Detritus Consulting Limited, 2016b). The Stage 4 mitigation consisted of mechanical stripping of the overburden to expose the subsurface features. A series of small rubble foundations was encountered that may have supported partition walls of a small room associated with a nineteenth-century store. Modern twentieth-century infrastructure was observed throughout the property. Upon completion, site AhGs-394 had no further cultural heritage value or interest (Detritus Consulting Limited, 2016c).

In 2016, Detritus Consulting Limited conducted a Stage 1 and partial Stage 2 Archaeological Assessment at 65 Queen Street under Ministry Project Information Form P017-0537-2016. The rectangular study area is located approximately 50 metres southeast of the current subject property. While no archaeological resources were encountered during the course of the test pit survey, the northeast portion of the property contained a concrete pad. Therefore, mechanical trenching was recommended before the subject property could be cleared of archaeological concern (Detritus Consulting Limited, 2017). In 2017, Detritus Consulting Limited conducted a Stage 2 Archaeological Assessment for the additional work at 65 Queen Street under separate Ministry Project Information Form P017-0644-2017. A trench was excavated through the middle of the concrete pad where all soils observed were determined to be disturbed. No further archaeological assessment was recommended (Detritus Consulting Limited, 2018).

In May 2019, Archaeological Services Inc. carried out a Stage 1 Archaeological Assessment of a 0.16-hectare property consisting of the 79-83 Queen Street and 178 Victoria Street addresses that surrounds the current subject property on its northeast, southeast, and southwest sides (Archaeological Services Inc., 2019a;



Project Information Form P449-0292-2019). The assessment determined that approximately 20% of the property retained archaeological potential and that a Stage 2 assessment would be required.

In September 2019, Archaeological Services Inc. completed a Stage 2 Archaeological Assessment of the above property by means of a test pit survey, initiated at five-metre intervals under the Ministry Project Information Form P449-0326-2019 (Archaeological Services Inc., 2019b). Intensified test pit survey and the excavation of one test unit was conducted in a confined area where nineteenth-century cultural material was encountered. Analysis of the material determined the cultural material was residual as the property has been subject to widespread disturbance to below the original A- and B-horizons. It was determined that since the artifacts did not constitute an archaeological site, no further archaeological assessment would be required ahead of development.

1.3.3 Physiography

The subject property is located on the clay plains within the Iroquois Plain physiographic region of Southern Ontario, a lowland region bordering Lake Ontario. This region is characteristically flat and formed by lacustrine deposits laid down by the inundation of Lake Iroquois, a body of water that existed during the late Pleistocene. This region extends around the western part of Lake Ontario from the Trent River to the Niagara River, spanning a distance of 300 kilometres (Chapman and Putnam, 1984:190). The old shorelines of Lake Iroquois include cliffs, bars, beaches, and boulder pavements. The old sandbars in this region are good aquifers that supply water to farms and villages. The gravel bars are quarried for road and building material, while the clays of the old lake bed have been used for the manufacture of bricks (Chapman and Putnam, 1984:196).

The surficial geology of the subject property is comprised of massive to well-laminated fine-textured glaciolacustrine deposits of silt and clay with minor sand and gravel (Ontario Geological Survey, 2018).

The subject property is in the One Mile Creek and Niagara River/Lake Ontario watersheds. One Mile Creek flows approximately 260 metres southwest of the subject property and the mouth of the Niagara River where it empties into Lake



Ontario is approximately 325 metres north (Ministry of Natural Resources and Forestry, 2020).

1.3.4 Existing Conditions

The subject property is a rectangular parcel approximately 425 square metres in size that fronts Victoria Street to the northwest (Figure 6). A late-nineteenth-century house, which last operated as a commercial eatery, is in the centre of the property and there are paved areas in the northwest, northeast, and southeast that extend to the property limits. A narrow strip of garden approximately 24 metres in length is between the house and the paved parking lot in the adjacent parcel to the southwest. There is a residence immediately northeast of the subject property, the Royal George Theatre to the southeast, and commercial buildings and a paved parking lot to the southwest.

1.3.5 Review of Archaeological Potential

The Standards, Section 1.3.1 stipulates that undisturbed lands within 300 metres of primary water sources (lakes, rivers, streams, creeks), secondary water sources (intermittent streams and creeks, springs, marshes, swamps), ancient water sources (glacial lake shorelines indicated by the presence of raised sand or gravel beach ridges, relic river or stream channels indicated by clear dip or swale in the topography, shorelines of drained lakes or marshes, and cobble beaches), and accessible and inaccessible shorelines (bluffs, swamp or marsh fields by the edge of a lake, and sandbars stretching into marsh) are considered, at a generic level, to exhibit archaeological potential.

Potable water is the single most important resource necessary for any extended human occupation or settlement. Since water sources have remained relatively stable in south-central Ontario after the Pleistocene era, proximity to water can be regarded as a useful index for the evaluation of archaeological site potential. Indeed, distance from water has been one of the most common variables used for predictive modelling of site location.

Other geographic characteristics that can indicate pre-contact archaeological potential include elevated topography (eskers, drumlins, large knolls, plateaux),



pockets of well-drained sandy soil, especially near areas of heavy soil or rocky ground, and distinctive land formations that might have been special or spiritual places for Indigenous populations, such as waterfalls, rock outcrops, caverns, mounds, and promontories and their bases. There may be physical indicators of their use by Indigenous peoples, such as burials, structures, offerings, or rock paintings or carvings. Resource areas, including food or medicinal plants (migratory routes, spawning areas, prairie) and scarce raw materials (quartz, copper, ochre, or outcrops of chert), are also considered characteristics that indicate pre-contact archaeological potential.

For the post-contact period, Section 1.3.1 of the Standards stipulates those areas of early Euro-Canadian settlement, including places of early military pioneer settlement (pioneer homesteads, isolated cabins, farmstead complexes), early wharf or dock complexes, pioneer churches, and early cemeteries, are considered to have archaeological potential. There may be commemorative markers of their history, such as local, provincial, or federal monuments or heritage parks. Also considered to have archaeological potential are early historical transportation routes (trails, passes, roads, railways, portage routes), properties listed on a municipal register or designated under the *Ontario Heritage Act* or a federal, provincial, or municipal historical landmark or site, and properties that local histories or informants have identified with possible archaeological sites, historical events, activities, or occupations.

The majority of early nineteenth-century farmsteads, those which are arguably the most potentially significant resources and whose locations are rarely recorded on nineteenth-century maps, are likely to be captured by the basic proximity to water model, since these occupations were subject to similar environmental constraints. An added factor, however, is the development of the network of concession roads and railroads through the course of the nineteenth century. These transportation routes frequently influenced the siting of farmsteads and businesses. Accordingly, the Standards considers undisturbed lands within 100 metres of early settlement roads or railroads to have potential for the presence of Euro-Canadian archaeological sites.



The master plan document completed for the Town of Niagara-on-the-Lake considers a similar suite of criteria or indicators (Archaeological Services Inc., 2001). Pertinent to the subject property are buffers of 150-200 metres from water sources and within 200 metres above the Glacial Lake Iroquois strand for determining pre-contact archaeological potential. In terms of historical archaeological potential, this is evaluated based on buffers of 100 metres from early settlement roads and features illustrated on historical maps, along with 50-metre buffers around early railways. There is also pre-contact and historical potential within 100 metres of registered and unregistered archaeological sites.

Given the subject property's location relative to the Niagara River and Lake Ontario, its setting in the heart of the historic Town of Niagara-on-the-Lake, the extant historical house within the property, and its proximity to several registered historical sites, the subject property meets the criteria for both Indigenous and historical archaeological potential. However, a review of the background history and current conditions suggests the property has been significantly disturbed from previous development impacts, and it is unlikely that any intact Indigenous or historical archaeological material would have survived.

2.0 Field Methods

The Stage 2 field assessment was conducted on April 17 and 19, 2023, in order to inventory, identify, and describe any archaeological resources extant within the subject property prior to development. All fieldwork was conducted under the field direction of Sean Haefner (R1253) and was carried out in accordance with the Standards. The weather conditions were appropriate for the completion of fieldwork, permitting good visibility of the land features.

Representative photographs documenting the field conditions during the Stage 2 fieldwork are presented in Section 8.0 of this report (Images 1-7), and photo locations and field observations have been compiled on project mapping (Figure 7). Field observations and photographs were recorded with a Trimble Catalyst Global Navigation Satellite System receiver using World Geodetic System 1984.



2.1 Areas of No Potential

The assessment was initiated by conducting a visual review to identify areas of no archaeological potential. During this review, it was determined that approximately 95% of the property is disturbed. The areas of disturbance consist of the footprints of the house and its surrounding driveway, walkways, and landscaped areas, along with buried utilities throughout (Images 1-4). In accordance with the Standards, Section 2.1, Standard 2b, these areas of land disturbance retain no archaeological potential and were not tested.

2.2 Test Pit Survey

The balance of the subject property, consisting of a narrow strip of garden approximately 24 metres in length immediately adjacent to the house along the southwest limit, was the only area on the property accessible to testing with the potential for intact soil deposits. Therefore, in accordance with the procedures outlined in Section 2.1.2, Standard 2, a test pit survey of this strip was initiated at five-metre intervals. However, upon encountering subsurface disturbance throughout the test pit survey area, survey intervals were increased to ten metres, as per Section 2.1.8, Standard 2 (Figure 7; Images 5-6). In accordance with the Standards, Section 2.1.2, all test pits were excavated stratigraphically by hand no less than five centimetres into sterile subsoil, and all topsoil was screened through six-millimetre mesh to facilitate artifact recovery. The test pits were examined for stratigraphy, cultural features, and evidence of fill. All test pits were at least 30 centimetres in diameter and excavated within approximately one metre of all structures and/or disturbances where possible. The test pits were backfilled upon completion of the survey.

All test pit soil profiles were found to be disturbed, consisting of 20-25 centimetres of black (5YR 2.5/1) garden soil, overlying approximately 40 centimetres of dark greyish brown (10YR 4/2) landscape fill, over yellowish brown (10YR 5/6) clay subsoil (Image 7).



3.0 Record of Finds

Despite scrutiny, no archaeological resources were found during the Stage 2 field assessment. Written field notes, annotated field maps, Global Positioning System logs, and other data related to the archaeological assessment of the subject property are located at Archaeological Services Inc.

The documentation and materials related to this project will be curated by Archaeological Services Inc. until such a time that arrangements for their ultimate transfer to His Majesty the King in right of Ontario, or other public institution, can be made to the satisfaction of the project owner(s), the Ontario Ministry of Citizenship and Multiculturalism, and any other legitimate interest groups.

4.0 Analysis and Conclusions

Archaeological Services Inc. was contracted by Shaw Festival Theatre Canada to complete a Stage 1 and 2 Archaeological Assessment of 188 Victoria Street, Part of Lot 57, Registered Plan 86, Geographic Township of Niagara, County of Lincoln, now in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara. The subject property is approximately 425 square metres.

The Stage 1 background research entailed consideration of the proximity of previously registered archaeological sites and the original environmental setting of the subject property, along with its development history. The evaluation of archaeological potential also took into consideration the criteria established in the *Master Plan of Archaeological Resources for the Town of Niagara-on-the-Lake* (Archaeological Services Inc., 2001). This research suggested there would typically be potential for Indigenous and Euro-Canadian archaeological sites within the subject property. However, based on the extent of previous ground impacts, it was concluded that the presence of any intact archaeological deposits was unlikely.

The Stage 2 field assessment was conducted on April 17 and 19, 2023. The visual inspection of the subject property confirmed nearly the entire property, approximately 95%, was thoroughly disturbed by impacts resulting from building construction, paving, and landscaping activities. The remaining 5% of the



property, comprising a narrow stretch of garden along the southwest limit, was subject to test pit survey to confirm disturbance. As a result of this assessment, the entire property was confirmed to be disturbed.

5.0 Recommendations

In light of these results, and in accordance with the 2011 *Standards and Guidelines for Consultant Archaeologists*, the following recommendation is made:

1. No further archaeological assessment of the subject property be required.

NOTWITHSTANDING the results and recommendations presented in this study, Archaeological Services Inc. notes that no archaeological assessment, no matter how thorough or carefully completed, can necessarily predict, account for, or identify every form of isolated or deeply buried archaeological deposit. In the event that archaeological remains are found during subsequent construction activities, the consultant archaeologist, approval authority, and the Cultural Programs Unit of the Ministry of Citizenship and Multiculturalism must be immediately notified.

The above recommendations are subject to Ministry approval, and it is an offence to alter any archaeological site without Ministry of Citizenship and Multiculturalism concurrence. No grading or other activities that may result in the destruction or disturbance of any archaeological sites are permitted until notice of Ministry approval has been received.

6.0 Advice on Compliance with Legislation

Archaeological Services Inc. advises compliance with the following legislation:

- This report is submitted to the Ministry of Citizenship and Multiculturalism as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 2005, c 0.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological field work and report recommendations ensure the conservation, preservation, and protection of the cultural heritage of Ontario. When all matters relating to archaeological sites within the subject



property of a development proposal have been addressed to the satisfaction of the Ministry of Citizenship and Multiculturalism, a letter will be issued by the Ministry stating that there are no further concerns with regards to alterations to archaeological sites by the proposed development.

- It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed archaeological field work on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeological Reports referred to in Section 65.1 of the *Ontario Heritage Act*.
- Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48 (1) of the *Ontario Heritage Act*.
- The Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33, requires that any person discovering or having knowledge of a burial site shall immediately notify the police or coroner. It is recommended that the Registrar, Funeral, Burial and Cremation Services Act, Ministry of Public and Business Services Delivery is also immediately notified.
- Archaeological sites recommended for further archaeological field work or protection remain subject to Section 48 (1) of the *Ontario Heritage Act* and may not be altered, nor may artifacts be removed from them, except by a person holding an archaeological license.

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8.0 Images



Image 1: View of the southwest corner and front of the house at 188 Victoria Street.



Image 2: View of the front of the house and landscaped areas.



Image 3: The paved driveway and garage along the northeast limit of the subject property.



Image 4: Paved areas along the southeast limit of the subject property to the rear of the house.



Image 5: Garden area along the southwest limit of the subject property.



Image 6: View along southwest limit of the subject property.



Image 7: Typical test pit soil profile documented in the narrow stretch of garden along the southwest limit of the subject property.

9.0 Maps

See following pages for detailed assessment mapping and figures.





Figure 1: Location of the Subject Property

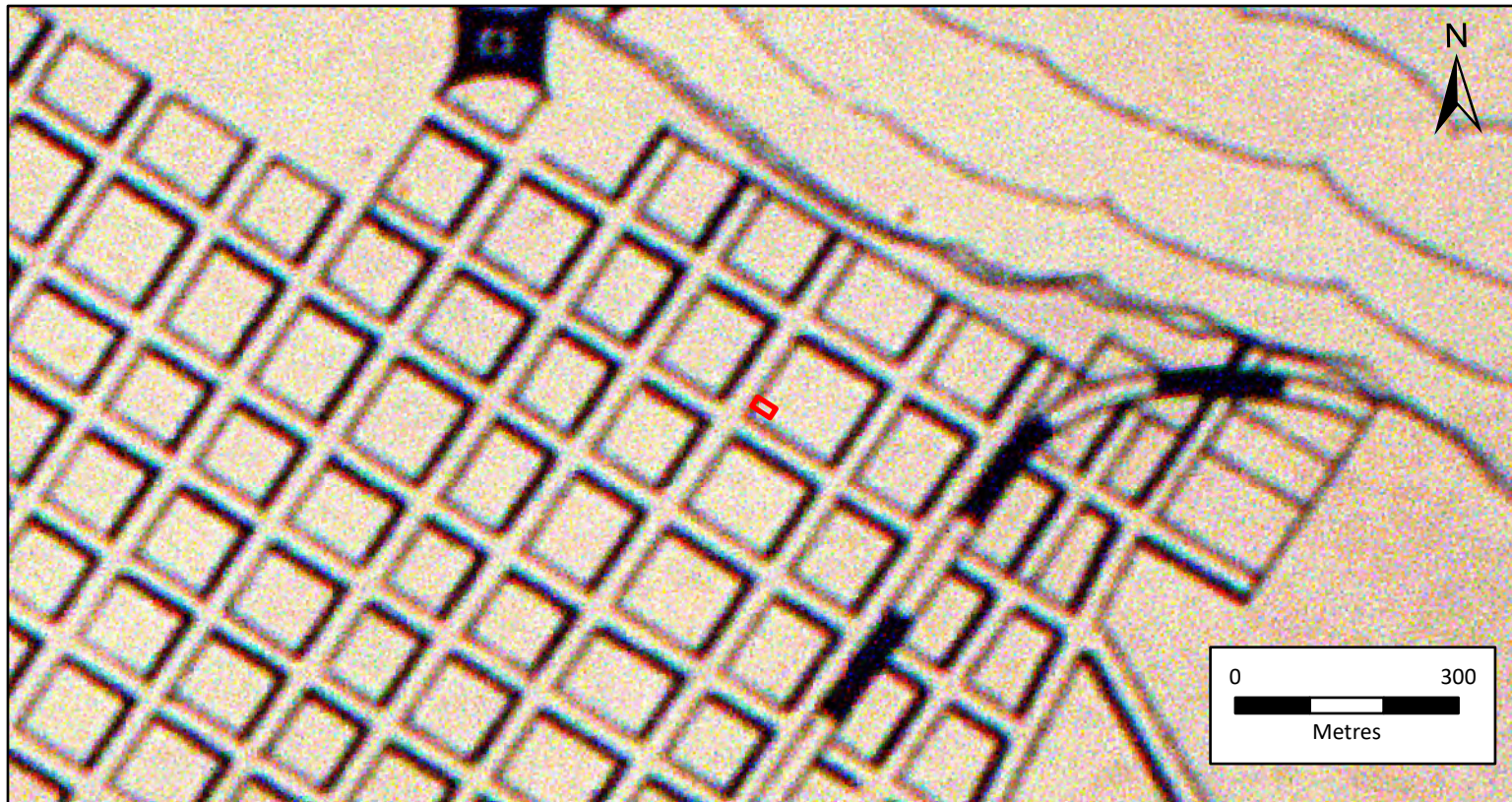


Figure 2: Subject Property Located on the 1876 Illustrated Historical Atlas of the Counties of Lincoln and Welland



Figure 3: Subject Property Located on the Village of Niagara Insert of the 1876 Illustrated Historical Atlas of the Counties of Lincoln and Welland



 SUBJECT PROPERTY

Sources: Illustrated Historical Atlas of the Counties of Lincoln and Welland (1876);
Illustrated Historical Atlas of the Counties of Lincoln and Welland - Village of Niagara Insert (1876);

Projection: NAD 1983 UTM Zone 17N
Scale: 1:10,000
Page Size: 8.5 x 11

ASI Project No.: 23PL-028
Date: 3/22/2023

Drawn By: pbikouls
File: 23PL028_Historic_x2



 SUBJECT PROPERTY

Source: Department of Militia and Defence, 1906 (Niagara Sheet)

0 200
Metres

Projection: NAD 1983 UTM Zone 17N
Scale: 1:10,000
Page Size: 8.5x11

ASI Project No.: 23PL-028
Date: 3/22/2023
Drawn By: pbikoulis
File: 23PL028_Landscape

Figure 4: Subject Property Located on the 1906 Niagara Topographic Map



1934



1968

	 SUBJECT PROPERTY	Sources: Ontario Aerial Survey	0 75  Metres	
		Projection: NAD 1983 UTM Zone 17N Scale: 1:2,500 Page Size: 8.5 x 11	ASI Project No.: 23PL-028 Date: 3/22/2023	Drawn By: pbikoulis File: 23PL028_Historic_x2

Figure 5: Subject Property Located on 1934 and 1968 Aerial Imagery



	 SUBJECT PROPERTY	Source: Google Earth (2023)		 Metres	
	 PROPERTY PARCEL	Projection: NAD 1983 UTM Zone 17N Scale: 1:250 Page Size: 11 x 17		ASI Project No.: 23PL-028 Date: 3/10/2023 4:38 PM	Drawn By: pbikoulis File: 11x17_Landscape

Figure 6: Existing Conditions of the Subject Property

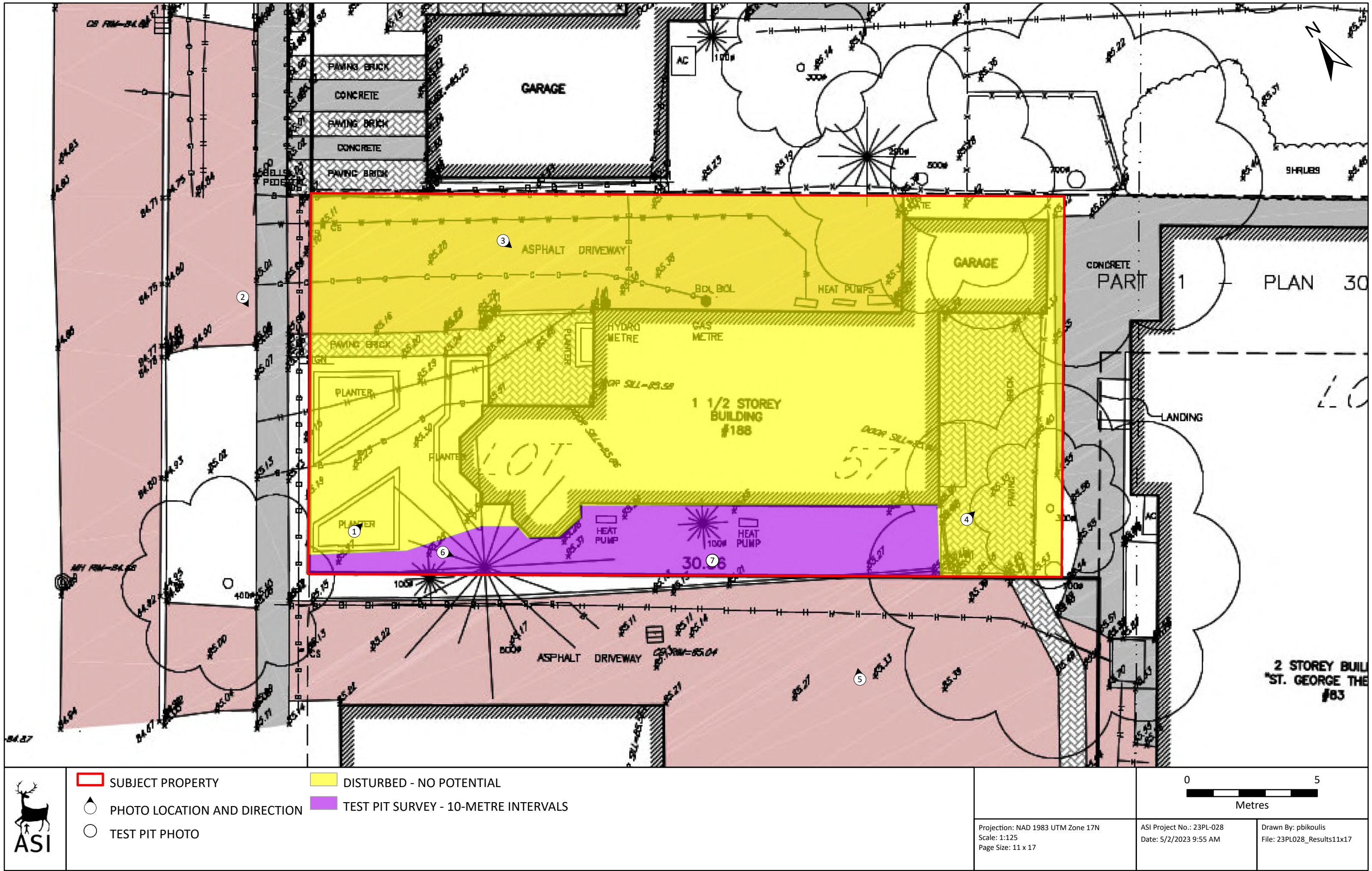


Figure 7: Stage 2 Archaeological Assessment Results