

Cultural Heritage Assessment Report

The Vimy Memorial Oak Tree

Located at 79 Hamilton Street North, Flamborough

Waterdown Legion Branch #551



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CULTURAL HERITAGE ASSESSMENT REPORT: A READER’S GUIDE

This cultural heritage assessment report is prepared as part of a standard process that assists in determining the cultural heritage value of properties and their prospective merit for protection, including designation and/or a heritage conservation easement agreement, under the *Ontario Heritage Act*.

This report is divided into eight sections. This report is an abridged version of the standard cultural heritage assessment given the unique nature of this cultural heritage resource.

Section 1, comprises an introduction.

Section 2, *Property Location*, briefly describes the physical location, legal description and dimensions of the property.

Section 3, *Physiographic Context*, contains a brief description of the physiographic region in which the subject property is located.

Section 4, *Settlement Context*, contains a brief description of the broad historical development of the settlement in which the subject property is located as well as the development of the subject property itself.

Section 5, *Property Description*, describes the subject property’s key heritage characteristics that provide the base information to be used in Section 6.

Section 6, *Cultural Heritage Evaluation*, comprises a detailed evaluation of the subject property using the three sets of evaluation criteria: archaeology; built heritage; and, cultural heritage landscapes.

Section 7, *Cultural Heritage Value: Conclusions and Recommendations*, comprises a brief summary of the Cultural Heritage Evaluation and provides a list of those criteria that have been satisfied in determining cultural heritage value, as well as determining compliance with Ontario Regulation 9/06. It also contains a recommendation as to whether or not the subject property should be protected under the *Ontario Heritage Act* through designation and / or a heritage conservation easement agreement, including a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.

The Appendices, contain location maps and photographs (including historical images) which illustrate the historical / associative and contextual value of the cultural heritage resource. Additionally, included therein is a comparative analysis of trees and natural features that have been designated by other municipalities in Ontario.

TABLE OF CONTENTS

1.0 INTRODUCTION.....	4
2.0 PROPERTY LOCATION	4
3.0 PHYSIOGRAPHIC CONTEXT	4
4.0 SETTLEMENT CONTEXT	5
5.0 PROPERTY DESCRIPTION	5
6.0 CULTURAL HERITAGE EVALUATION.....	6
7.0 CULTURAL HERITAGE VALUE: CONCLUSIONS AND RECOMMENDATIONS	10
8.0 BIBLIOGRAPHY	15
Appendix A: Location Maps.....	16
Appendix B: Photographs & Historical Images	18
Appendix C: Comparative Analysis.....	39

1. INTRODUCTION

This cultural heritage assessment report examines the cultural heritage value of the Vimy Memorial Oak Tree, located at 79 Hamilton Street North, Flamborough in the community of Waterdown. Cultural Heritage Planning staff were contacted by the office of the Ward Councillor in June of 2017 in concert with leadership of Waterdown Legion Branch 551 in order to propose designation for the tree. Through a Councillor-led motion, the property was added to staff’s designation workplan for completion in 2017. The property currently holds no heritage status; it is not designated under Part IV or V of the *Ontario Heritage Act*, listed on the Register of Property of Cultural Heritage Value or Interest, included on the City’s Inventory of Buildings of Architectural and / or Historical Interest, or found within a specified Cultural Heritage Landscape. Despite comprehensively evaluating the cultural heritage value of the resource in accordance with Ontario Regulation 9/06 and the City of Hamilton’s Framework for Cultural Heritage Evaluation, the assessment did not involve conducting a comprehensive review of the site’s historical development or any design or architectural value of any on-site or adjacent structures. This assessment focuses on the historical / associative and contextual value of this unique cultural heritage resource. Given the defined and distinctive nature of the cultural heritage resource, this assessment has been scoped accordingly.

The City of Hamilton currently has no trees or individual landscape features designated under the *Ontario Heritage Act*. Prior to being cut down in 2002 due to safety concerns, the Double Trunk Maple Tree was designated by the former Township of Glanbrook and recognized through a plaque on site (see Appendix C: Comparative Analysis).

2. PROPERTY LOCATION

The subject property located at 79 Hamilton Street North is 2.02 acres and comprises a two-storey building known as Legion Branch 551 (Waterdown), a war memorial, and parking area. The property is located at the corner of White Oaks Drive and Hamilton Street North (see Appendix A: Location Map).

3. PHYSIOGRAPHIC CONTEXT

The subject property is located within the physiographic region known as the Haldimand Clay Plain, the upland portion of which covers the Niagara Escarpment and extends around the western end of Lake Ontario—the earliest and most densely inhabited area in Ontario.¹ The Haldimand Clay Plain was formed as part of glacial Lake Warren and is comprised of a myriad of soil variations within the general area. The lands accommodated some land transportation routes and thus were a focal area for historical development.

¹ L.J. Chapman and D.F. Putnam, *The Physiography of Southern Ontario* (Ontario Geological Survey, Special Volume 2, 1984): 190-191.

4. SETTLEMENT CONTEXT

The area which later became East Flamborough has witnessed human settlement for upwards of 10,000 years. Following years of First Nations inhabitation and inter-tribal conflict, European contact first occurred in the 17th century through French explorers and Jesuit missionaries. Following the end of the American Revolutionary War in 1783, a number of Anglo-American United Empire Loyalists settled on land in the Waterdown area given through Crown Land Grants. In 1797, the Mississauga First Nation sold the area recently surveyed as the Township of East Flamborough to the British Crown for a total of "seventy five pounds, two shillings, and six pence."²

In 1796, Lieutenant Alexander MacDonell of Butler's Rangers was given a sizeable portion of land including a grant for the area that is now Waterdown. Prior to settling or developing the area, MacDonell sold the lands to Alexander Brown in 1805. Brown subsequently settled in the area, building a sawmill and a cabin along Grindstone Creek. In 1823, Ebenezer Griffin purchased approximately half of the lands owned by Brown and subsequently had the property surveyed into lots, inaugurating the formal founding of Waterdown. In 1878, Waterdown was officially incorporated as a village.

The subject property, known as Part of Lot 8, Concession 3, appears to have been developed in the late 19th century given its adjacency to the subdivision of Griffin's survey in the "Plan of Lots in the Village of Waterdown" as laid out by Hugh Green in 1870³ and its configuration on lands under the ownership of Edmund Fields on the 1875 Wentworth County Atlas.⁴

5. PROPERTY DESCRIPTION

The subject property includes a two-storey building which contains approximately 20,000 square feet of floor space, an auditorium, an exercise room, a bar, and other facilities. The property also contains substantial parking area and a war memorial. Prior to the construction of the current building, the Waterdown Legion membership met in a local barbershop and, by 1953, they were relocated to a Quonset hut structure located at the corner of Cedar Street and Hamilton Street North. The current two-storey Legion Branch 551 building was built in 1976 and the Legion War Memorial was subsequently built in 1985. On June 16, 2017 the Vimy Memorial Oak Tree was planted as a sapling

² Burlington Historical Society Digital Archives, "Hand-written copy of 1797 Indian Land Treaty pages 1-4," Burlington Historical Society, <http://burlingtonhistorycollection.bpl.on.ca>, accessed September 2017.

³ David Charles O'Keefe, "Plan of village lots of Waterdown...", McMaster University Library: Map Collections Digital Archive, <http://digitalarchive.mcmaster.ca/islandora/object/macrepo%3A75441>, accessed September 2017.

⁴ Page and Smith, "Township of Flamboro East," *Illustrated Historical Atlas of the County of Wentworth, Ont.*, Toronto: Page and Smith, 1875.

in the northeast corner of the property at the branch’s ceremony commemorating the 100th Anniversary of the Battle of Vimy Ridge.

6. CULTURAL HERITAGE EVALUATION

The following is a cultural heritage evaluation of the cultural heritage value or interest of the resource in accordance with Ontario Regulation 9/06 and the City of Hamilton’s Framework for Cultural Heritage Evaluation.

The subject property has been evaluated against three sets of criteria - Archaeology, Built Heritage, and Cultural Heritage Landscapes - as follows:

i. Archaeology

Identified or potential archaeological resources can be considered as values meriting inclusion into the identified cultural heritage value for the designation of a property. A set of twelve criteria is used to evaluate an archaeological site or measure archaeological potential to determine what attributes, if any, warrant designation under Part IV of the *Ontario Heritage Act*.

The first eleven of twelve criteria for designation of an archaeological site are predicated on the presence of an archaeological site. In the case of 79 Hamilton Street North, there are no registered or reported archaeological sites located on the subject property. As a result, only the Archaeological Potential criterion applies in this assessment.

Cultural Definition: N/A	Site Setting: N/A
Temporal Integrity: N/A	Site Socio-political Value: N/A
Site Size: N/A	Site Uniqueness: N/A
Site Type: N/A	Site Rarity: N/A
Site Integrity: N/A	Site Human Remains: N/A
Historical Association: N/A	Archaeological Potential: Applicable

Archaeological Potential

The subject property comprises a two-storey building and a large parking area situated in an urbanized context first developed in the nineteenth century. Based on the history of development activity on the subject property, and its minimal grassed area, the lot has experienced significant disturbance, and therefore has minimal archaeological potential remaining. This criterion is not satisfied.

ii. Built Heritage

A set of twelve criteria is used to identify and assess the built heritage value of a property. Of the twelve criteria, six were applicable and satisfied for the Vimy Memorial Oak Tree located at 79 Hamilton Street North.

<u>Historical Associations</u>	<u>Integrity</u>
Thematic: Applicable	Location Integrity: N/A
Event: Applicable	Built Integrity: N/A
Person and/or Group: Applicable	<u>Environmental Context</u>
<u>Architecture and Design</u>	Landmark: N/A
Architectural Merit: N/A	Character: Applicable
Functional Merit: N/A	Setting: Applicable
Designer: N/A	<u>Social Value</u>
	Public Perception: Applicable

Historical Associations

Thematic

The Vimy Memorial Oak Tree functions as a living symbol of commemoration to the Canadian soldiers who served in the First World War. The tree maintains lineage to the English oak trees which once grew on Vimy Ridge and were destroyed by the destruction of the battle. Through the efforts of Lieutenant Leslie H. Miller of the Canadian Signal Corps, small acorns that were collected have produced a forest of oaks which have since propagated new life and meaning across Canada and at Vimy Ridge itself one hundred years later. Given the sacrifices of local soldiers in the conflict, this symbol of commemoration and rebirth resonates in Waterdown as well. This criterion is considered satisfied.

Event

The Vimy Memorial Oak Tree is directly linked to the historic Battle of Vimy Ridge which occurred from April 9-12, 1917. The engagement involved four divisions of the newly-formed Canadian Corps overtaking an escarpment position held by the German Sixth Army. The Corps suffered over 10,000 casualties and the German Sixth Army also took thousands of casualties but the exact number is unknown. As the first time that Canadian divisions worked together cohesively and successfully and quickly became a point of national pride. The event has been commemorated in a myriad of tributes but

most noticeably through the creation of a 100-acre memorial park and the construction of a large stone monument. The event has become a symbol of national pride and sacrifice. It is often considered to be the most widely-known military engagement in Canadian history. This criterion is considered satisfied.

Person/Group

The Vimy Oaks are the legacy of Lieutenant Leslie H. Miller, an officer in Canadian Signal Corps. Waterdown’s Memorial Tree is one of numerous oaks propagated from acorns of destroyed English oaks that were taken from the battlefield by Lt. Miller in 1917. This criterion is considered satisfied.

Architecture and Design

Architectural Merit

This criterion does not apply to the cultural heritage resource.

Functional Merit

This criterion does not apply to the cultural heritage resource.

Designer

This criterion does not apply to the cultural heritage resource.

Integrity

Location Integrity

The Vimy Memorial Oak Tree has been planted on the subject property in 2017. This criterion is not considered to be satisfied.

Built Integrity

This criterion does not apply to the cultural heritage resource.

Environmental Context

Landmark

The Vimy Memorial Oak Tree is not currently considered to be a landmark in the community of Waterdown. The tree may develop into a local landmark as it increases in age, size, and community recognition. This criterion is not considered to be satisfied.

Character

The present character of the area is a mixture of commercial, residential, recreational and community uses. As the Memorial Oak Tree grows, it will act as an aesthetic and cultural anchor on the corner of Hamilton Street North and White Oaks Drive adding

beauty and a cultural feature to the streetscape. The tree will also become a part of the grouping of First and Second World War tributes displayed on the subject property as well as those found within the neighbourhood (Waterdown Memorial Park, Sealey Park, and Waterdown Memorial Hall). This criterion is considered satisfied.

Setting

The Vimy Memorial Oak Tree is located within the urban centre of the community of Waterdown. As a well-established community, the former village contains an extensive settlement history and a substantial contribution in the World War I. Numerous local men served in the conflict and became casualties in the war. The Memorial Tree is appropriately planted on the property of the Waterdown Legion, adjacent to the War Memorial, and nearby a number of other First and Second World War memorials. The location of the tree adds additional value and significance to its symbolism. This criterion is considered satisfied.

Social Value

Public Perception

The Vimy Memorial Oak Tree holds symbolic significance in connection to the Battle of Vimy Ridge and Canadian efforts in the First World War. The tree is not only a living memorial to local sacrifices but is also a unique cultural link that is shared by all Canadians. This criterion is considered satisfied.

iii. Cultural Heritage Landscapes

Cultural Heritage Landscape value may be considered for inclusion in the designation of a property. A set of nine criteria are used to determine which cultural heritage landscape values and attributes warrant designation under Part IV of the *Ontario Heritage Act* as a Cultural Heritage Landscape.

The application of criteria for designation of a property as a Cultural Heritage Landscape depends upon the property’s characteristics. Types of cultural heritage landscapes that have been identified for prospective inventory and evaluation work are as follows:

Farm complex	Waterscape
Hamlet	Railway
Commercial core/streetscape	Abandoned road r.o.w.
Industrial complex	Public park

Cemetery/church/rectory or other religious complex	Private garden/estate
Roadscape	Agricultural fairground
Residential area	

The Vimy Memorial Oak Tree located at 79 Hamilton Street North holds significant cultural, historical, and symbolic value but the tree is not a part of a larger cultural heritage landscape. This criterion is not considered satisfied.

7. CULTURAL HERITAGE VALUE: CONCLUSIONS & RECOMMENDATIONS

Conclusions

The subject property satisfies six of the twelve criteria, pertaining to built heritage, including:

Historical Associations:

- Thematic
- Event
- Person and/or Group

Environmental Context

- Character
- Setting

Social Value

- Public Perception

Compliance with Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest

According to Subsection 1 (2) of Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest, a property may be designated under section 29 of the *Ontario Heritage Act* if it meets one or more of the following criteria:

1. The property has design value or physical value because it,

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

Design / Physical Value

The Vimy Memorial Oak Tree is not considered to possess design and / or physical value.

- a. The property is not a rare, unique, or representative example of a style, type, expression, material, or construction method.
- b. The property does not demonstrate a high degree of craftsmanship or artistic merit.
- c. The property does not demonstrate a high degree of technical or scientific achievement.

Historical / Associative Value

The Vimy Memorial Oak Tree possesses historical and associative value in its symbolic and historical connections to the Battle of Vimy Ridge.

- a) The property does have direct associations with an event that is significant to the community of Waterdown.

The Vimy Memorial Oak Tree is directly linked to the historic Battle of Vimy Ridge which occurred from April 9-12, 1917. Following the three day engagement, many Canadian soldiers were aware that they were a part of something important. Lieutenant Leslie H. Miller of the Canadian Signal Corps had the foresight to collect acorns from around an oak tree that had been destroyed by shelling. Growing up on a farm, Miller was able to plant the acorns on his rural property in Scarborough, Ontario. The acorns grew into a forest of oaks which now stand on land owned by the Scarborough Chinese Baptist Church. As part of the 100th anniversary of the Battle of Vimy Ridge, efforts have been made to re-patriate hundreds of acorns from Scarborough to the battle site in France, creating a strong symbol of new life in Centennial Park. Approximately 100 oak saplings, creating from graftings of the Scarborough oaks have been delivered to civic and memorial sites across Canada in remembrance of Canadian lives lost in the conflict.

- b) The property does not appear to have the potential to yield a greater understanding of the local community or the development of Waterdown.
- c) The property does not appear to demonstrate or reflect the work or ideas of a significant architect, artist, builder, designer or theorist.

Contextual Value

The Vimy Memorial Oak Tree possesses contextual value in its appropriately selected location adjacent to the Legion War Memorial and within the urban centre of the community of Waterdown.

- a) The property does appear to be important in maintaining and supporting the character of the area.

The Vimy Memorial Oak Tree is located on the northeast corner of the property of the Waterdown Legion Branch 551 at 79 Hamilton Street North, Flamborough. Its location is significant in its connection to the Waterdown Legion building and adjacent War Memorial. The Memorial Tree is also located within 1km of Waterdown Memorial Park, Waterdown Memorial Hall, and Sealey Park (all of which feature tributes to local efforts in the First and Second World Wars). The Memorial Oak Tree will act as an anchor on the corner of Hamilton Street North and White Oaks Drive, a tangible symbol of the significance of the conflict.

- b) The property is functionally and visually linked to its surroundings.

The Vimy Memorial Oak Tree will become a principal commemorative element in the Legion War Memorial located on the property of Legion Branch 551. The tree is one of a number of tributes to the First and Second World War located on site and within the neighbourhood of Waterdown.

- c) The property is not considered a landmark.

Recommendation

The Vimy Memorial Oak Tree located at 79 Hamilton Street North, Flamborough satisfies the City of Hamilton evaluation criteria for properties of cultural heritage value, and the criteria established in Ontario Regulation 9/06. Therefore, the subject property warrants protection under the *Ontario Heritage Act*, through designation and / or the negotiation of a heritage conservation easement agreement, in accordance with the following Description of Property, Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.

Description of Property

The Vimy Memorial Oak Tree is located at 79 Hamilton Street North, Flamborough, on the property of Legion Branch 551 within the community of Waterdown. The tree is located on the northeast corner of the property (corner of White Oaks Drive and Hamilton Street North) adjacent to the War Memorial.

Statement of Cultural Heritage Value or Interest

The reason for designation is to recognize the Vimy Memorial Oak Tree's historical / associative in connection with the Battle of Vimy Ridge as well as to highlight its contextual value in its current location.

The tree contains historical / associative value as a living symbol of remembrance of Vimy Ridge and the Canadian soldiers who served in the First World War. The tree maintains lineage to the English oak trees which once grew on Vimy Ridge and were completely destroyed by the shelling of the battle. Through the efforts of Lieutenant Leslie H. Miller of the Canadian Signal Corps, small acorns that were collected have produced a forest of oaks in Scarborough, Ontario which have subsequently propagated new life and meaning across Canada through the grafting, growth, and distribution of saplings. In connection with the 100th Anniversary of the Battle of Vimy Ridge, these descendants of the original oaks provide a legacy of commemoration and sacrifice.

The Vimy Memorial Oak Tree contains contextual value in its location on the property of the Legion Branch 551 (Waterdown), its adjacency to the War Memorial, and its location near other local memorials in Waterdown.

Description of Heritage Attributes

The designation of the Vimy Memorial Oak Tree does not pertain to the wider property at 79 Hamilton Street North, Flamborough or any other natural or built heritage features on the property.

Key attributes include the tree itself including all natural features: its full form, trunk, crown, limbs, branches and any other attached elements. Its planted location at the

corner of White Oaks Drive and Hamilton Street North is also listed as having importance.

VIII. BIBLIOGRAPHY

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<http://www.centenarynews.com/article/canadas-vimy-oaks-returning-to-france-for-2017-centennial>

"Vimy Oaks Legacy Corporation." <https://vimyoakslegacy.ca/en/>

"Vimy Foundation." <https://www.vimyfoundation.ca/>

APPENDIX A: LOCATION MAPS



Image 1: An aerial view of the subject property (in red) and the location of the Memorial Oak Tree (in yellow) (City of Hamilton Maps, 2015)

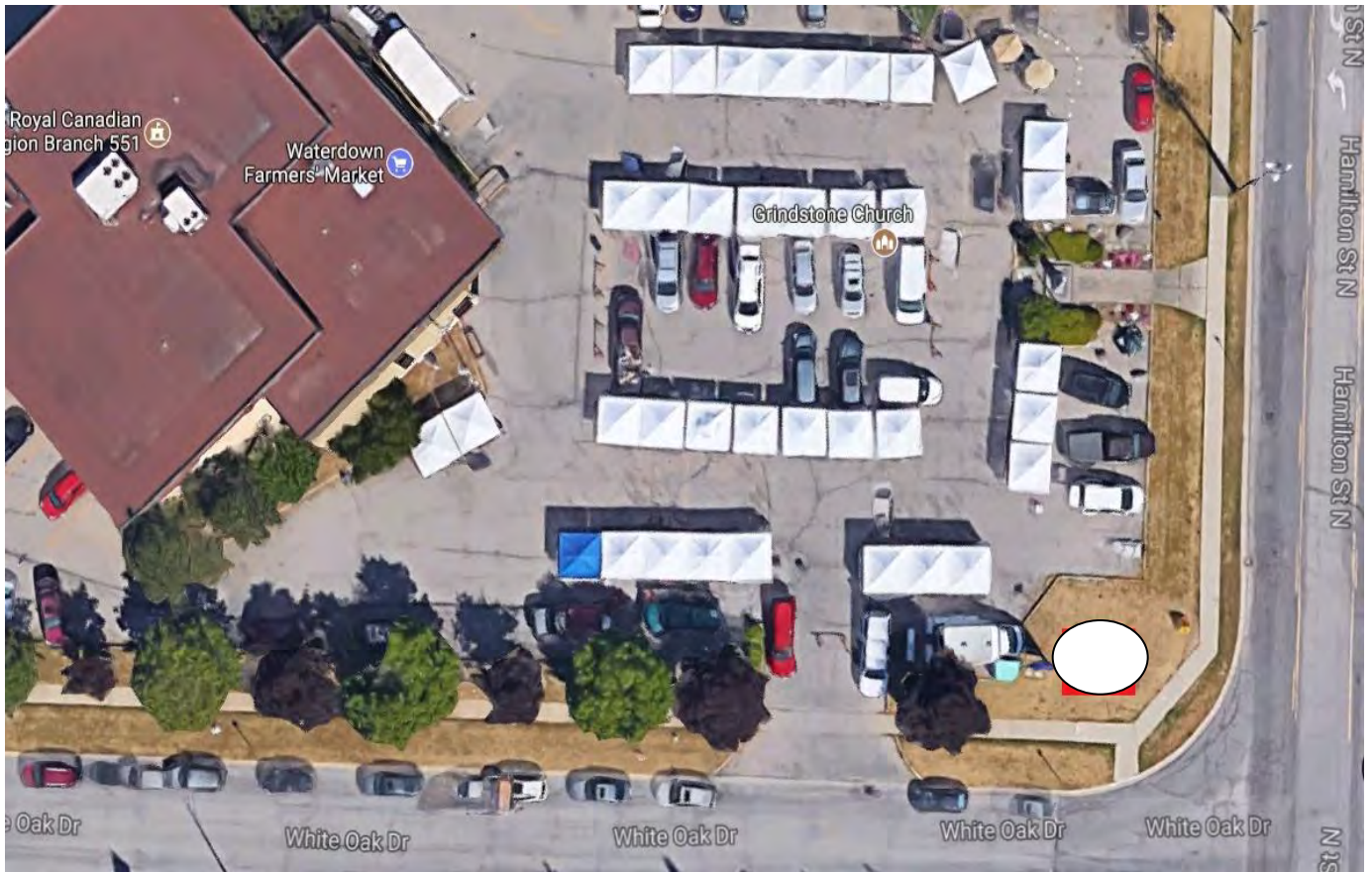


Image 2: A closer image of the northeast corner of the subject property with the approximate location of the Memorial Oak Tree indicated (Google Maps, 2017).

APPENDIX B: PHOTOGRAPHS & HISTORICAL IMAGES



Image 3: A south-facing image of the subject property prior to the tree planting (Google Maps, 2016).

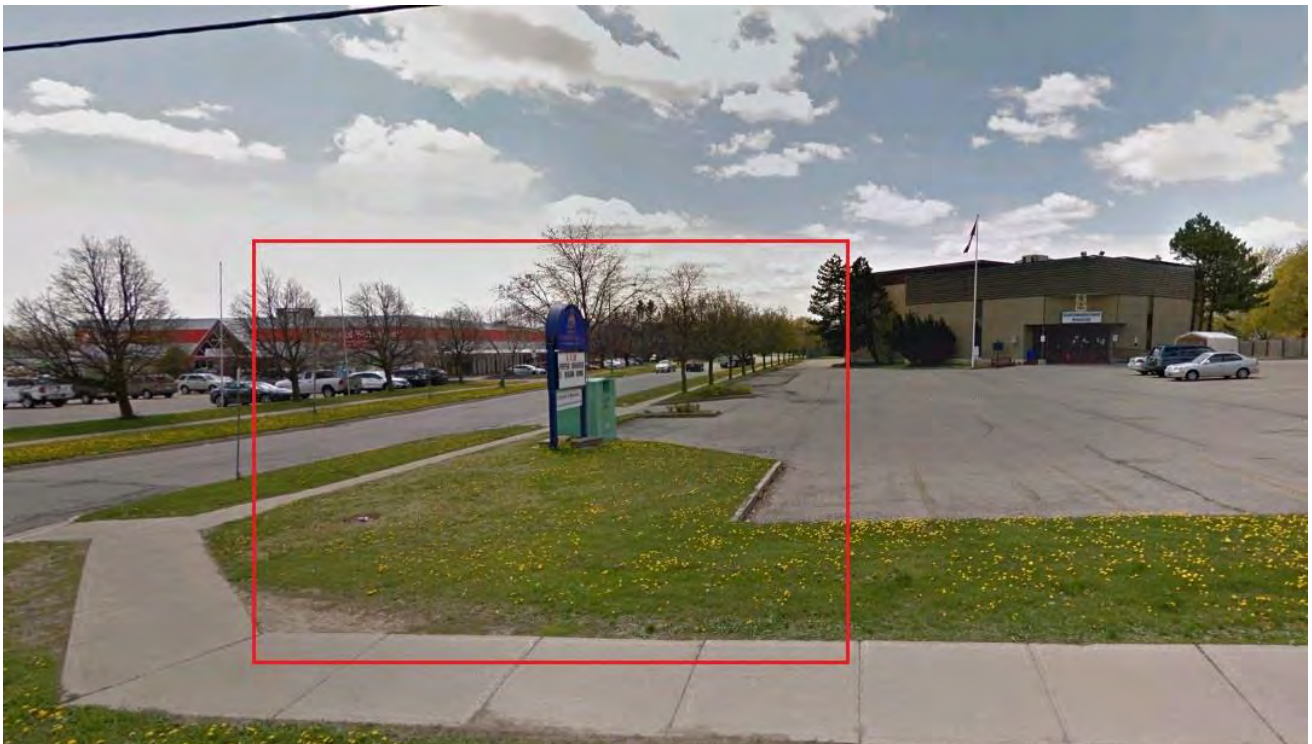


Image 4: A closer view of the grassed area prior to the tree planting (Google Maps, 2016).



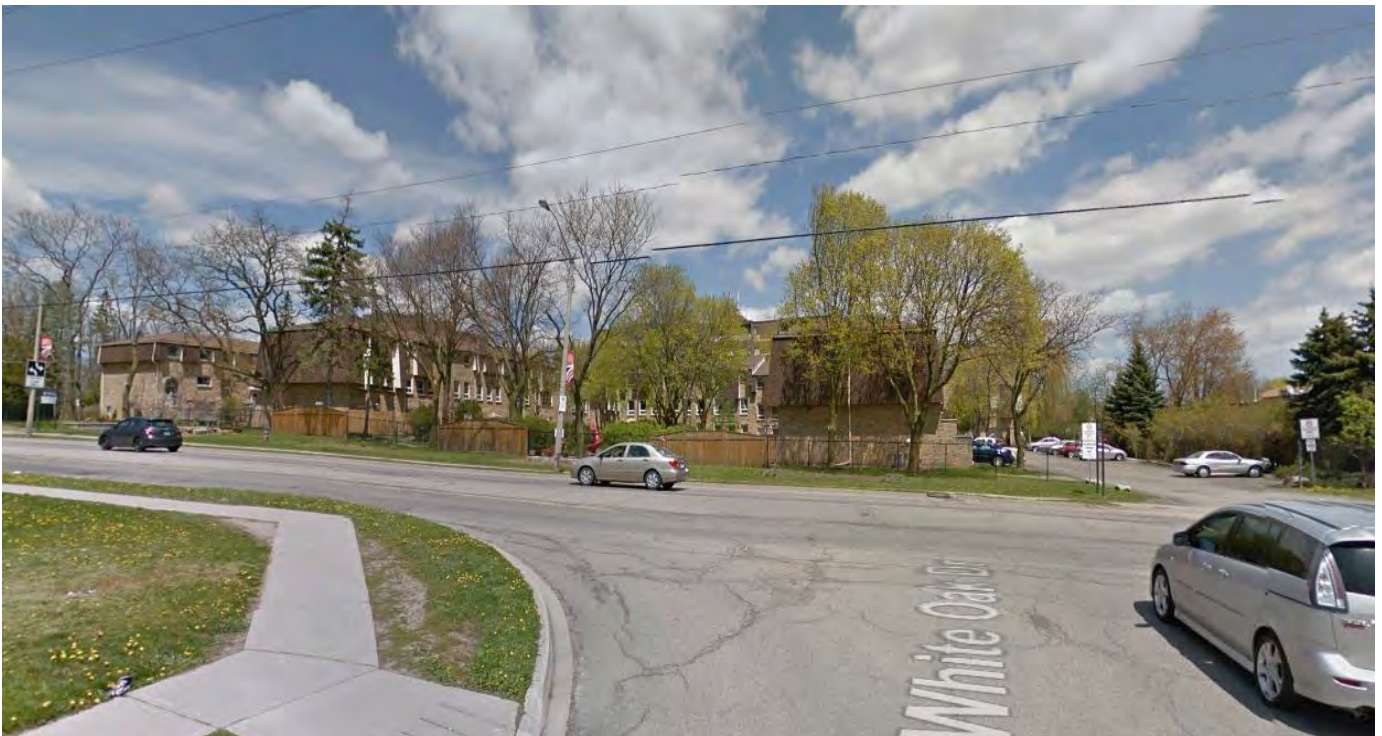
Image 5: A clear view of the Memorial Oak Tree within a mulch tree ring and surrounded by a steel protector to ensure growth and discourage vandalism (Author, 2017).



Image 6: A north-facing photograph of the planted sapling with the Royal Canadian Legion Branch 551 Waterdown sign in the foreground (Author, 2017).



Images 7-8: Two west-facing views of the Memorial Tree from the corner of White Oaks Drive and Hamilton Street North (Author, 2017).



Images 9-10: Surrounding views from the northeast corner of the subject property: looking east (top) and looking north (bottom) (Google Maps, 2016).



Image 11: Each Vimy Oak Tree distributed includes a certificate of authenticity signed by the tree's grower and the President of the Vimy Oaks Legacy Corporation (Courtesy of Robert G. Thomas, Waterdown Legion).



Image 12: Adjacent to the tree is the Waterdown Legion War Memorial, erected in 1985, which consists of gardens, flagpoles, a stone cenotaph, and an historic anti-aircraft gun (Author, 2017).



Image 13: A south-facing photograph of the approach to the stone cenotaph with the Waterdown Legion building in the background. The stone’s text reads: “In memory of those gave their lives for their country on the sea, the land and in the air. Wars: 1914-1918, 1939-1945, 1950-1953. Lest we forget.” (Author, 2017).

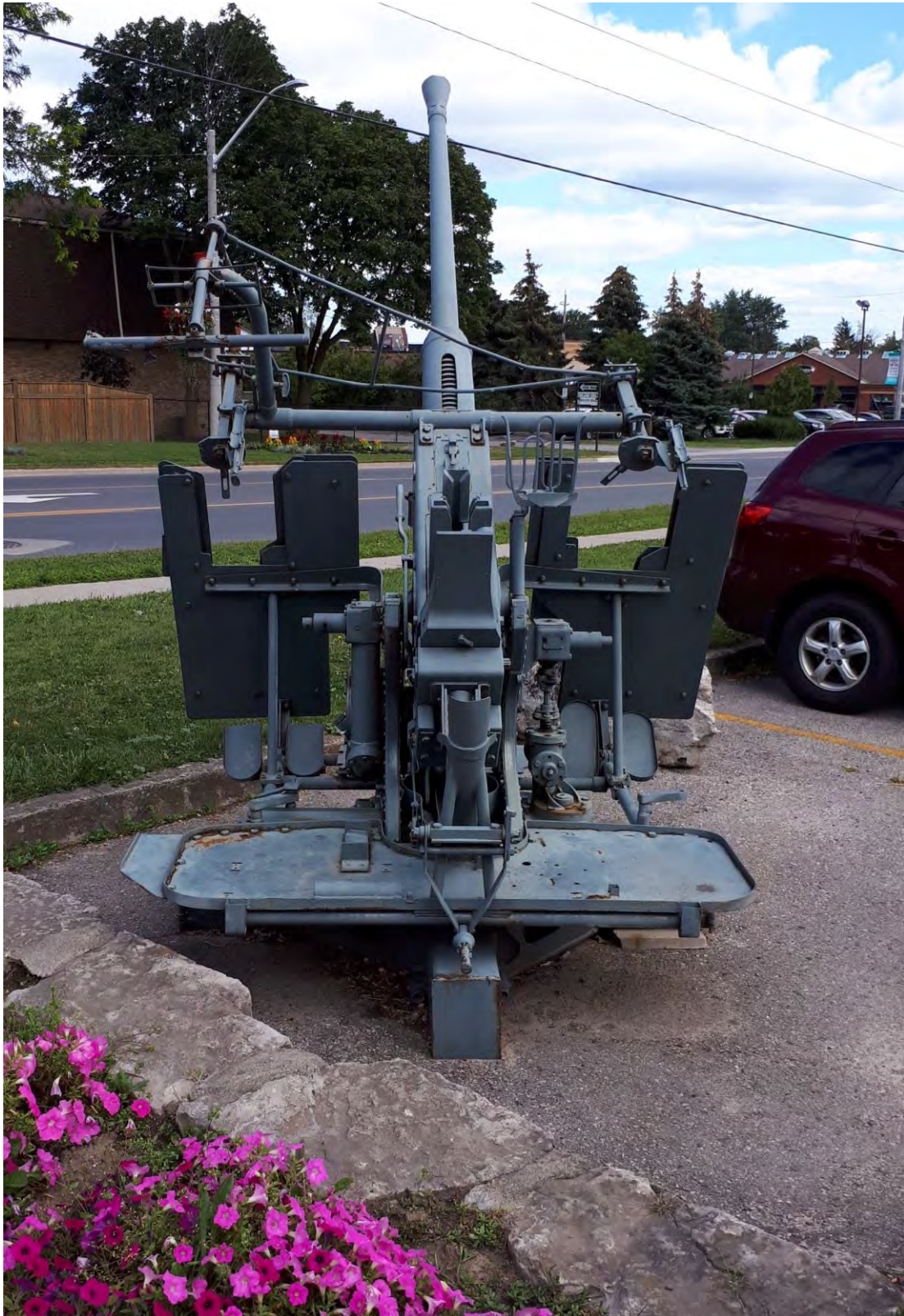


Image 14: A rear view of the 40mm Bofor anti-aircraft gun situated between the cenotaph and the Memorial Tree. These guns were capable of being mounted on tank chassis carriage frames for transport as well as installed on naval gun decks (Author, 2017).



Image 15: Although not located on the subject property, this 10.5cm leFH model 1916 German howitzer barrel is displayed in nearby Sealey Park. The gun was taken as a war trophy and shipped back to Canada, arriving in Waterdown on August 23, 1920. This piece is part of a substantial grouping of memorials to the First and Second World Wars in Waterdown (Courtesy Waterdown Legion Branch 551).



Image 16: Located at 317 Dundas Street East, Waterdown Memorial Hall was built in 1923 in memory of the dead of the First World War. Pictured in the foreground is a memorial cairn which was erected in 1979 and features commemorative plaques and a bell which once capped the hall (Courtesy Tim Laye, Ontario War Memorials).

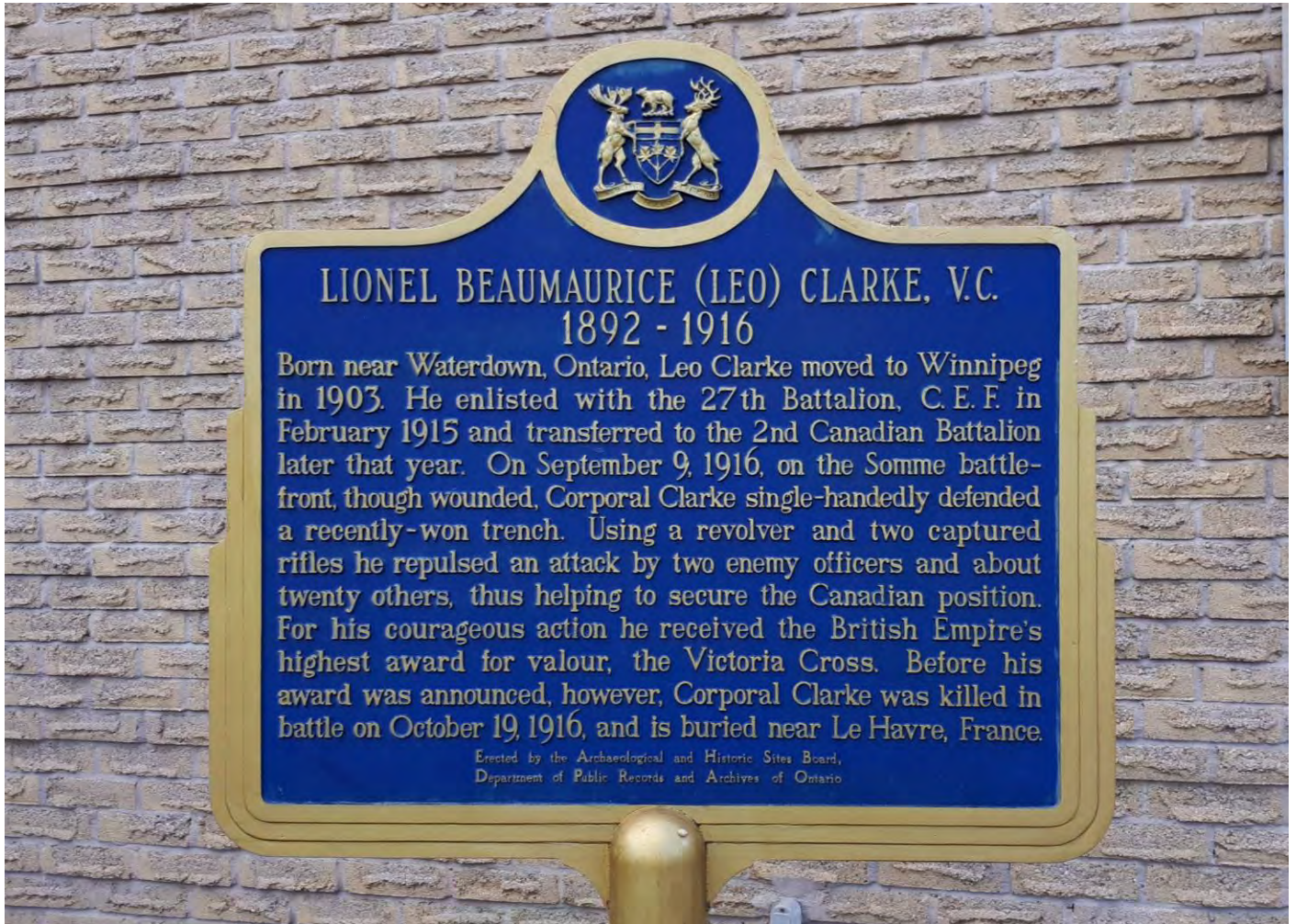


Image 18: Near the entrance of the Legion building stands an historical plaque erected by the Ontario Heritage Trust in honour of Waterdown-born Lionel Beaumaurice (Leo) Clarke, V.C. (1892-1916). Clarke was awarded the Victoria Cross for bravery, having single-handedly defended an Allied trench from an enemy attack while wounded and outnumbered (Author, 2017).



Images 19-20: In addition to exterior pieces, the Legion also houses interior displays of World War I and World War II memorabilia, such as those depicted above (Author, 2017).



Image 21: Photograph of Lieutenant Leslie H. Miller in the battle dress of an officer (Courtesy of the Vimy Oaks Legacy Corporation).



Image 22: Lt. Miller's platoon of the Canadian Signal Corps. Miller is located on the far left.
(Courtesy of the Miller family via Centenary News, May 6, 2016).

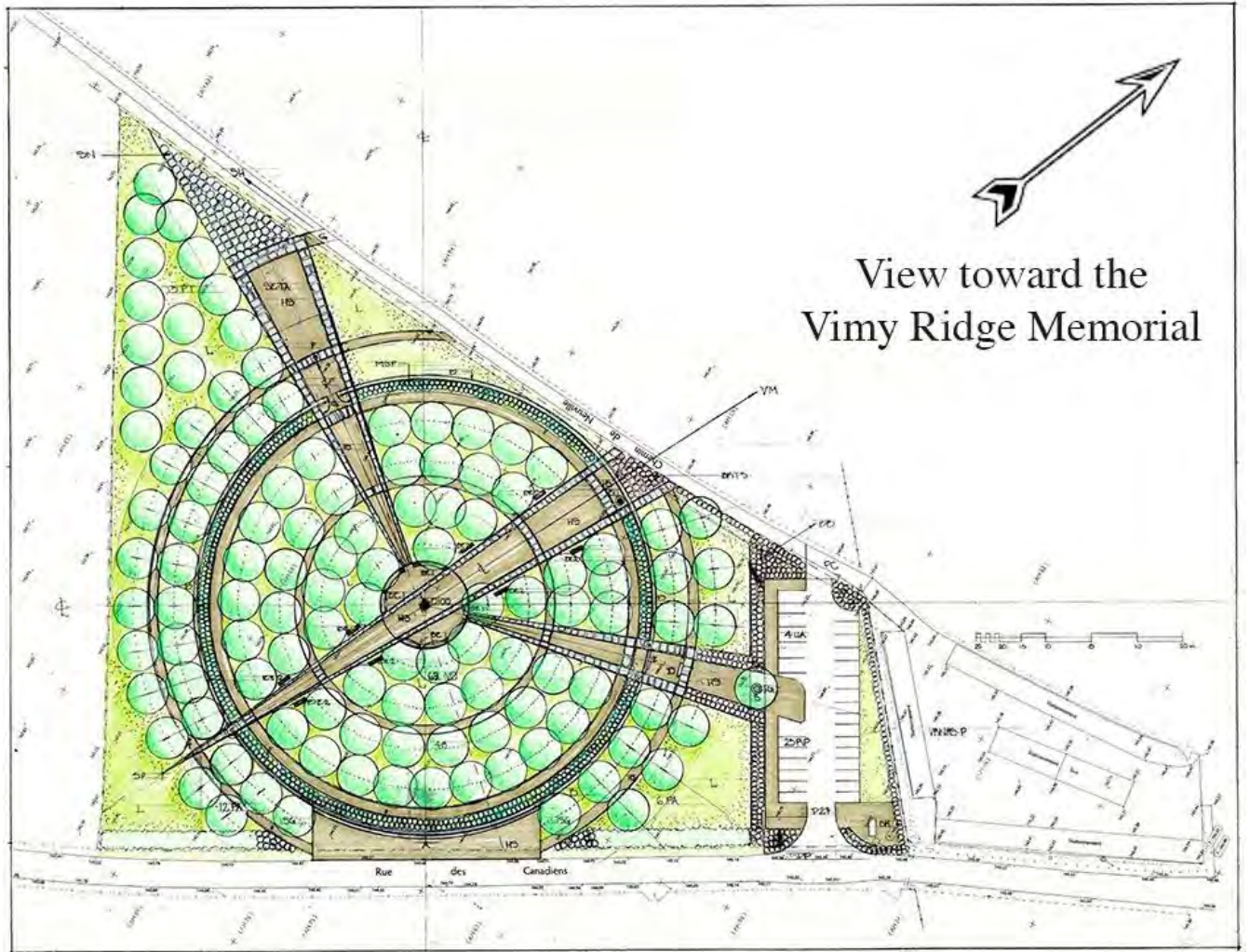


Image 23: Concept design of the Vimy Ridge Memorial Centennial Park which is to be located on four acres of land adjacent to the Canadian National Vimy Memorial Site and planted with repatriated oak acorns from Lt. Miller's farm (Courtesy of Linda Dicaire, Landscape Architect)



Image 24: North-facing photograph of Miller's property in 1926, including a newly-built house, chicken coops, other outbuildings, and the beginnings of the "Vimy Oaks" woodlot (Courtesy of the Vimy Oaks Legacy Corporation).



Image 25: One of the original English Oak trees that grew from acorns taken directly from the battlefield at Vimy Ridge (Courtesy of Scarborough Chinese Baptist Church).



Image 26: Certified arborists were employed to identify healthy trees from which to obtain cuttings for future memorial saplings (Courtesy of Vimy Oaks Legacy Corporation).



Image 27: Local growers NVK Connon Nurseries have been growing oaks from cuttings and acorns that are direct descendants of the original oaks (*Quercus robur*) at Vimy Ridge. Along with the hundreds of oaks planted in France, saplings grown here have been planted as memorials in honoured places across Canada (Courtesy of Vimy Oaks Legacy Corporation).

APPENDIX C: COMPARATIVE ANALYSIS

According to preliminary review of the *Ontario Heritage Act* Register maintained by the Ontario Heritage Trust, there are currently sixty-six (66) properties that include of a tree or natural feature as part of designation by-law and a total of thirteen (13) properties designated under Part IV that only feature a tree or trees. For reference, I have listed the the Statement of Cultural Heritage Value or Interest, Reasons for Designation, Description of Heritage Attributes, or the Designation By-law itself as provided for each of these properties.

The City of Hamilton's only designated tree, which has since been removed has been included. In 1982, the former Township of Glanbrook designated a unique double-trunked sugar maple tree. The tree was cut down in 2002 due to safety concerns.

In addition, the City of Hamilton contains two (2) trees which are listed in Forest Ontario's Heritage Tree Program, which celebrates the historical or cultural significance of trees but does not afford any legal or statutory protection. In total, the Heritage Tree Program lists fifty seven (57) trees that display unique cultural heritage value or interest.

Black Walnut Tree – 160 Jerseyville Road, City of Brantford

BY-LAW NUMBER 57-12

Schedule A

Reasons for Designation

The identified black walnut tree (*Juglans Nigra*), located at 160 Jerseyville Road geographic Township of Brantford, County of Brant, Ontario, Concession 3, Part Lot E & A, is a significant tree worthy of designation because of its physiology. The tree, believed to be at least 100 years old, is above average in size with a height of approximately 65 feet, a trunk diameter of 5.41 feet, a trunk circumference of 17 feet and a crown spread of 110 ft in diameter.



Image 28: The owner of 160 Jerseyville Road photographed in front of the Black Walnut Tree in 2011.

Copper Beach Tree – 631 Mount Pleasant Road (Mount Pleasant), County of Brant

BY-LAW NUMBER 56-12

Schedule A

Reasons for Designation

The identified copper beech tree (*Fagus sylvatica cuprea*) located at 631 Mount Pleasant Road, Part Lot 8, 2R-2286, Part 2, R1 WMPR, Mount Pleasant, geographic Township of Brantford, County of Brant, Ontario is a significant tree worthy of designation because of its physiology. The tree is believed to have been planted in the 1860's and is approximately 150 years of age. The tree is above average in size, being approximately 60 feet in height with a trunk diameter of 4.51 ft., a trunk circumference of 14 ft., 2 inches and a crown spread of 81 ft. in diameter.



Image 29: The Copper Beach Tree in 2012 (Google Maps).

The Seven Bur Oaks – 66 Fountainbridge Drive (Bolton), Town of Caledon

SCHEDULE “A”

Statement of Cultural Heritage Value or Interest

The seven Bur Oaks in Fountainbridge Park, Bolton, are notable specimens because of their distinctive size, form, strong branching and crown development. The solitary Bur Oak, which is estimated to be over 200 years old, continues to demonstrate vigour and vitality, and is considered an exceptional and outstanding specimen. The cluster of six Bur Oaks, five in a windrow and an adjacent single oak, are estimated to be 80 years old, and are significant as being characteristic of the species. Historically, the windrow trees delineate the former property boundary between the east and west halves of Lot 6, Concession 7, Albion Township.

Description of Heritage Attributes

For purposes of protection under section 29 (municipal designation) of the Act, the only heritage resources of this property are the seven Bur Oaks.

Key attributes of the Bur Oaks that embody their physical, historical and contextual value are:

- The characteristic shape, full form, well balanced and strong branching, and crown development of the Bur Oaks
- The linear presentation of the five windrow Bur Oak delineating a former property line between the east and west halves of Lot 6, Concession 7, Albion Township

Key attributes of the Bur Oaks that embody their natural heritage and community landmark in the Town of Caledon are:

- The location of the Bur Oaks in the municipal Fountainbridge Park, Bolton



Image 30: The stand of Bur Oaks in 2016 (Town of Caledon).

Henry The Elm – Charleston Sideroad, Town of Caledon

HENRY THE ELM

**SOUTH SIDE OF CHARLESTON SIDEROAD, EAST OF ST. ANDREW’S ROAD
WEST HALF LOT 15, CONCESSION 5 EHS (CALEDON)
Town of Caledon, Regional Municipality of Peel**

Prominently situated on the south side of Charleston Sideroad approximately 450 metres east of St. Andrew’s Road, ‘Henry’ the elm is considered a local landmark. The tree was planted in the late 19th century as part of a roadside tree row on the McQuarrie farm. Named several years ago in commemoration of the late Henry Kock, founder of the University of Guelph’s Elm Recovery Project, Henry represents a significant remnant 19th century landscape feature and a rare survivor of Dutch Elm Disease.



Image 31: A photograph of “Henry the Elm” in 2011. This tree is named after the late Henry Kock, a longstanding supporter of Ontario elms (Don Scallen).

Black Willow Tree – 83 Kennedy Road, Town of Caledon

SCHEDULE “A”

Statement of Cultural Heritage Value or Interest

The Black Willow tree at 83 Kennedy Road is a notable specimen because of its distinctive size, unique four-stem form and breadth of canopy. The tree, which is estimated to be over 100 years old, continues to demonstrate vigour and vitality. Considered a regionally unique specimen, this Black Willow is a prominent natural heritage and community landmark on Kennedy Road.

Description of Heritage Attributes

For purposes of protection under section 29 (municipal designation) of the Act, the only heritage resource of this property is the Black Willow tree.

Key attributes of the Black Willow that embody its physical, historical and contextual value are:

- The raised mound root plate, four characteristically angled stems, canopy, branches and root system of the Black Willow

Key attributes of the Black Willow that embody it as a natural heritage and community landmark in the Town of Caledon are:

- The location of the Black Willow on a former fence line of the historic Lawson farm.



Image 32: The Black Willow Tree in 2011 (Town of Caledon)

The Osage Orange Hedge – 11654 Torbram Road, Town of Caledon

The Osage Orange Hedge

There is designated as being of historical value or interest the real property known as:

2. Part Lot A, Block 3, Plan Bol-7 – Part 2, 43R16653, more particularly described in Schedule "B" hereto;

Reason for Designation

A north American species rare in Caledon this hedge was planted in the last century as a 'natural' fence. Well known in south western Ontario as a dense hedge capable of keeping farm animals in, or out, of farm fields the hedges also served as wind-breaks. This hedge is the last remaining Osage Orange hedge in Peel and is designated for its cultural heritage significance.



Image 33: The Osage Orange Hedge and the tree's unique fruit (Caledon's Heritage Tree Booklet, 2013).

The Grand Oak – 53 Grand Avenue South, City of Cambridge

SCHEDULE “B”
TO BY-LAW NO. 142 - 10
of the
CORPORATION OF THE CITY OF CAMBRIDGE

The tree referred to as the Grand Oak located in the Sculpture Garden, 53 Grand Avenue South was designated because of its cultural heritage significance.

Description of Property

The Grand Oak Tree is located in the Sculpture Garden, 53 Grand Avenue South and part of the open space between Grand Avenue and the Grand River. The Grand Oak is a key and focal feature in the Sculpture Garden.

Statement of Cultural Heritage Value or Interest

The Grand Oak Tree is recommended for designation because of its cultural heritage significance. The Grand Oak is a White Oak – *Quercus alba*. It is the largest oak in the Galt downtown river core. The Grand Oak is believed to be about 130 years old having surviving seasonal flooding. In 1976, to combat flooding, a dike was installed along the river and the land in proximity to the tree was built up five feet. The tree was protected during the construction of the dike and a tree well surrounds the tree trunk and continues to protect its roots. The tree provides shade in the summer to people using the Sculpture Garden. The Grand Oak is considered to be a landmark tree and an important feature along the banks of the Grand River, a designated Canadian Heritage River.

Description of Heritage Attributes

The key attributes that embody the cultural heritage value of the Grand Oak include:

- placement in a public open space;
- the tree is believed, at the time of passing this by-law, to be 130 years old;
- it is considered a landmark in the community;
- the tree, at the time of passing this by-law, was considered to be in good health.



Image 34: Cambridge’s Grand Oak Tree photographed in 2010 (Waterloo Record).

The Ironwood Tree – 3408 Garrison Road (Ridgeway), Town of Fort Erie

**SCHEDULE "A"
TO BY-LAW NO. 88-2015**

Description of Property: The Ironwood Tree – Ridgeway Battlefield Park, 0 Garrison Road

Statement of Cultural Heritage Value or Interest:

This old Ironwood Tree is one of the few of its age standing alone in the open on public lands and accessible to the residents of Fort Erie. More importantly, core testing of the tree put its age at Circa 1866 at the time of the Fenian Raids that occurred at Ridgeway Battlefield Park. It stands today as a reminder of the important battle and historical event in Fort Erie.

On June 2, 1866 Fort Erie was invaded by the Fenian Army. These Irish Civil War veterans intended to hold Upper Canada "hostage" and use this position to negotiate Ireland's freedom from Britain.

The subsequent Battle of Ridgeway and battle at the Fort Erie dock, while a tactical victory for the Fenians, ended quickly with the intervention of the United States government.

A consequence of these battles was that residents throughout Upper and Lower Canada realized that they could not rely on Britain for protection, giving support to the growing movement for Confederation. Canada became a country one year later.

The Battle of Ridgeway is the first battle of the modern Canadian Armed Forces; the first casualty of the modern forces was here in Ridgeway; and a catalyst to Confederation happened at Ridgeway Battlefield Park. Some historians call this "The Battle that made Canada – Canada."



Image 35: Fort Erie's Ironwood Tree is located at Ridgeway Battlefield Park. The tree is believed to have been standing during the 1866 Battle of Ridgeway during the Fenian Raids (Page Graphics).

The Grand Avenue Tree Stand – 10 Grand Avenue, Town of Grimsby

SCHEDULE 'B'

GRAND AVENUE TREE STAND

The reason for the designation is to recognize the tree stand's associative value with its direct link with the Grimsby Beach community and the prominent role it played in the Town's history. The tree stand has contextual value because it is important in defining, maintaining and supporting the character of the area and is physically, visually and historically linked to its surroundings. It is also a landmark. The tree stand includes a magnificent white oak specimen (the Grand Old Oak) that is estimated to be over 300 years old. The stand as a whole is important in supporting the long term viability of the Grand Old Oak.



Image 36: A photograph of the remaining trees of the Grand Avenue Tree Stand as seen in 2012. In 2011, a substantial storm brought down part of the stand including the 250 year old Grand Old White Oak Tree (Google Maps).

The Allanburg Heritage Oak Tree – 2364 Centre Street, City of Thorold

REASONS FOR THE PROPOSED DESIGNATION:

The Allanburg Heritage Oak Tree

North side of Falls Street between Highway 20
to the east and Centre Street to the west.
Parts 6 through 12 on Plan 59R-3955, Lot 77, Plan M-28
Allanburg, City of Thorold

The Allanburg White Oak Tree has a strong historical significance in the community and is believed to date back to the 17th Century, making it well over 300 years old. The white oak is of significant age and stature (estimated at 350 years) with upper branches and likely a root system that spans out approximately 100 feet.

The Allanburg Heritage Oak Tree is registered with the Ontario Forestry Foundation and is listed on the Honour Roll of Ontario Trees (1993).

The white oak tree and its surrounding lands is an important part of the Allanburg community not only in the lives of those who live in the general vicinity but also has a long history of family gatherings and activities.

The Allanburg White Oak is clearly a link to the past history of the Allanburg community and represent a unique value to the general public because of its size, age and historical association to the City of Thorold. The designation of this tree provides an opportunity for the City of Thorold to officially recognize the life of this tree and its importance to the community as well as to those who contributed to the preservation of the Allanburg White Oak.

This tree is considered to be a link to our past history and represents a unique value to the general public because of the size, age and historical association to the community of Allanburg.

The designation of The Allanburg Heritage Oak Tree will be the first of its kind in Thorold to designate a natural feature.



Image 37: The Allanburg Heritage Oak Tree is believed to be over 300 years old and is located in the hamlet of Allanburg (Inside Niagara Live).

The Jacob Fisher Oak Tree – 300 Trowers Road (Woodbridge), City of Vaughan

JACOB FISHER OAK TREE

Part Lot 5, Concession 6

Woodbridge

SHORT REASONS FOR DESIGNATION

The Jacob Fisher Oak Tree located on Part 5, Concession 6, Woodbridge, is recommended for designation under Part IV of the Ontario Heritage Act for its historical significance.

Named after the original owner of the crown grant property where it stands, this 200+ year old Bur

Oak dates back to the first settlers of Vaughan Township. Early pioneers were required by the government to clear the land for planting. Those trees that remained served as property markers and wind breaks. The Jacob Fisher Oak Tree is a reminder of that first act by the early pioneers.

HISTORICAL SIGNIFICANCE



(Above) Jacob Fisher Oak Tree in 1990.



(Above) Jacob Fisher Oak Tree in 1983 before development to property.

Although most of the first settlers in Vaughan Township were experienced farmers, they settled land covered with trees. Their first task, a requirement of government, was to clear the land to begin planting. Jacob Fisher came for Gainsbury (perhaps England, not stated) and was granted this lot in 1801 at the age of 21. Jacob's arrival here would have seen the absence of all signs of civilization and nothing but vast and apparently endless wilderness.

The trees on the lot would be cut in rows and hauled by oxen to be piled for burning. This served the purpose of not only getting rid of the trees but produced pot ash which could be sold to the British Government for use in gunpowder. In this way the trees were the farmers first cash crop. Those that remained were kept as property markers and treelines to break the winds blowing the top soil.

These trees were also a symbol of the pioneers themselves. Sturdy and versatile, the oak tree shared both seasons and homes with the pioneer. Used in a variety of commercial and domestic ways, such as furniture, interior finishes, flooring, tools and housing, trees were part of every Canadian Settlement.

The Pines – 78 Wells Street, Town of Aurora

STATEMENT OF SIGNIFICANCE

Historical or Associative Value

The dominating feature of the property is the stand of large pine trees. Dendrochronology from previously removed trees and historical evidence suggests that some of the oldest trees on the property may have been in existence at the time that the original Town Plan of Aurora was established in 1854, and may date as far back as the 1820s. The property was originally part of the gardens for the house now located at 70 Wells Street, which was built circa 1868. The first long term owner of this house, George Harrison, named his property "The Pines" for the large stand of trees on the property. The Pines passed through several owners until it was purchased by Dr. Claude Gunton in the 1940's. Around the same time, it was reported that Dr. Gunton was building a new house on the property in the front garden of 70 Wells Street, which he had converted to apartments in the years following the end of the Second World War. The new house, now encircled by the stand of pine trees, took on the historic name 'The Pines'.

Architectural/Physical Value

The distinctive feature of The Pines is the large stand of pine trees, some of which are thought to date as far back as the 1820s. Through the 19th Century, subsequent owners enhanced the landscaping on the property with additional plantings. The house at 78 Wells is a 1 ½ storey brown multi-toned brick house built in the immediate post Second World War period in the Colonial Revival Style with a Cape Cod style emphasis. The house is highly compatible with the surrounding trees. A feature of the house is the heating system which was built as hot water radiant heat. To accommodate this type of heating all floors in the house are made of cement with large copper pipes running through them to carry the heated water.

Contextual Value

Contextually, the house and trees at The Pines are an important contributor to the Wells Street Streetscape and provide an important backdrop to the Town Park. The property is adjacent to other significant heritage buildings, including the Wells Street Public School, the Trinity Anglican Manse, and the Bowman House. The trees are an extremely rare and significant reminder of the early settlement of the Aurora town site.

Description of Heritage Attributes

The Description of Heritage Attributes include the following heritage attributes and apply to all elevations and the roof including all facades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, metal and glazing, their related building techniques and landscape features:

Exterior Elements:

- 1 ½ storey Colonial revival dwelling;
- Brick exterior
- Wood multi-paned windows;
- Front door
- Original roof shape;
- 16 Pine Mature Trees (ranging from approximately 185 to 125 years as of the year 2008) including 2 White Pines located in the northeast quadrant of the property and 14 Red Eastern Pines.

Note: The designation of the mature pine trees, which are living features, does not preclude normal and reasonable forest management practices undertaken at the discretion of the owner.



Image 38: The stand of towering pines located in an urban context, as seen in 2014 (Google Maps).

The Camperdown Elm Tree – 19 Beverly Street East (St. George), City of Brantford

BY-LAW NUMBER 164-15

Schedule A

Reasons for Designation

The identified Camperdown Elm tree (*Ulmus glabra camperdownii*) located at 19 Beverly Street, Plan 81, Blk. E, Part Lot 19, St. George, Geographic Township of South Dumfries, County of Brant, Ontario is a rare example of a cultivar (a race or variety of a plant that has been created or selected intentionally and maintained through cultivation) and can only be created by grafting two species together and cannot reproduce from seed. Although more common now, trees of this age, which is believed to be in excess of 145 years, are thought to have come from the original seedlings developed by the head forester David Taylor at Camperdown House near Dundee Scotland in the 1800's. Taylor discovered a mutant contorted branch growing along the ground in the forest at Camperdown House. Taylor grafted part of the branch to the trunk of a Wych Elm (*Ulmus glabra*) although Dutch Elm, Siberian Elm and English Elm can also be used. Of the original 1,000 trees, a few made their way to the North American continent via sailing ships bringing immigrants from the United Kingdom. Because of Dutch Elm disease, which decimated the species in mid-century, many of them did not survive to reach this age.



Image 39: The Camperdown Elm as shown in 2016 in the village of St. George (Brantford Expositor).

The Double Trunked Maple Tree – Part Lot 28, Concession 9 (Glanbrook), City of Hamilton

CORPORATION OF THE TOWNSHIP OF GLANBROOK

BY-LAW NO. 244.82

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS
Part of Lot 28, Concession 9, in the former Township of
Binbrook now Glanbrook, AS BEING OF HISTORICAL VALUE OR
INTEREST

WHEREAS section 29 of The Ontario Heritage Act, 1974 authorizes
the Council of a municipality to enact by-laws to designate
real property, including all buildings and structures there-
on, to be of architectural or historic value or interest,
and

WHEREAS the Council of the Corporation of the Township of Glanbrook
has caused to be served on the owners of the land and
premises known as Part Lot 28, Concession 9, formerly
Binbrook now Glanbrook Township, and upon the Ontario
Heritage Foundation, notice of intention to so designate
the aforesaid real property and has caused such notice
of intention to be published in the same newspaper having
general circulation in the municipality once for each of
two consecutive months, and

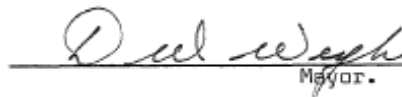
WHEREAS no notice of objection to the proposed designation has been
served on the Clerk of the municipality;

THEREFORE the Council of the Corporation of the Township of Glanbrook
enacts as follows:

- (1) There is designated as being of historical value or interest
the real property known as the Double Trunked Maple Tree,
on the property owned by the Regional Municipality of
Hamilton-Wentworth, Part Lot 28, Concession 9, formerly
Binbrook now Glanbrook Township, more particularly described
in schedule "A" hereto.
- (2) The municipal solicitor is hereby authorized to cause a copy
of this By-law to be registered against the property
described in Schedule "A" hereto in the proper land
registry office.
- (3) The Clerk is hereby authorized to cause a copy of this
by-law to be served on the owner of the aforesaid property
and on the Ontario Heritage Foundation and to cause notice
of the passing of this by-law to be published in the same
newspaper having general circulation in the municipality
once for each of two consecutive months.

ENACTED and PASSED this 5th day of April, 1982.


Clerk.


Mayor.

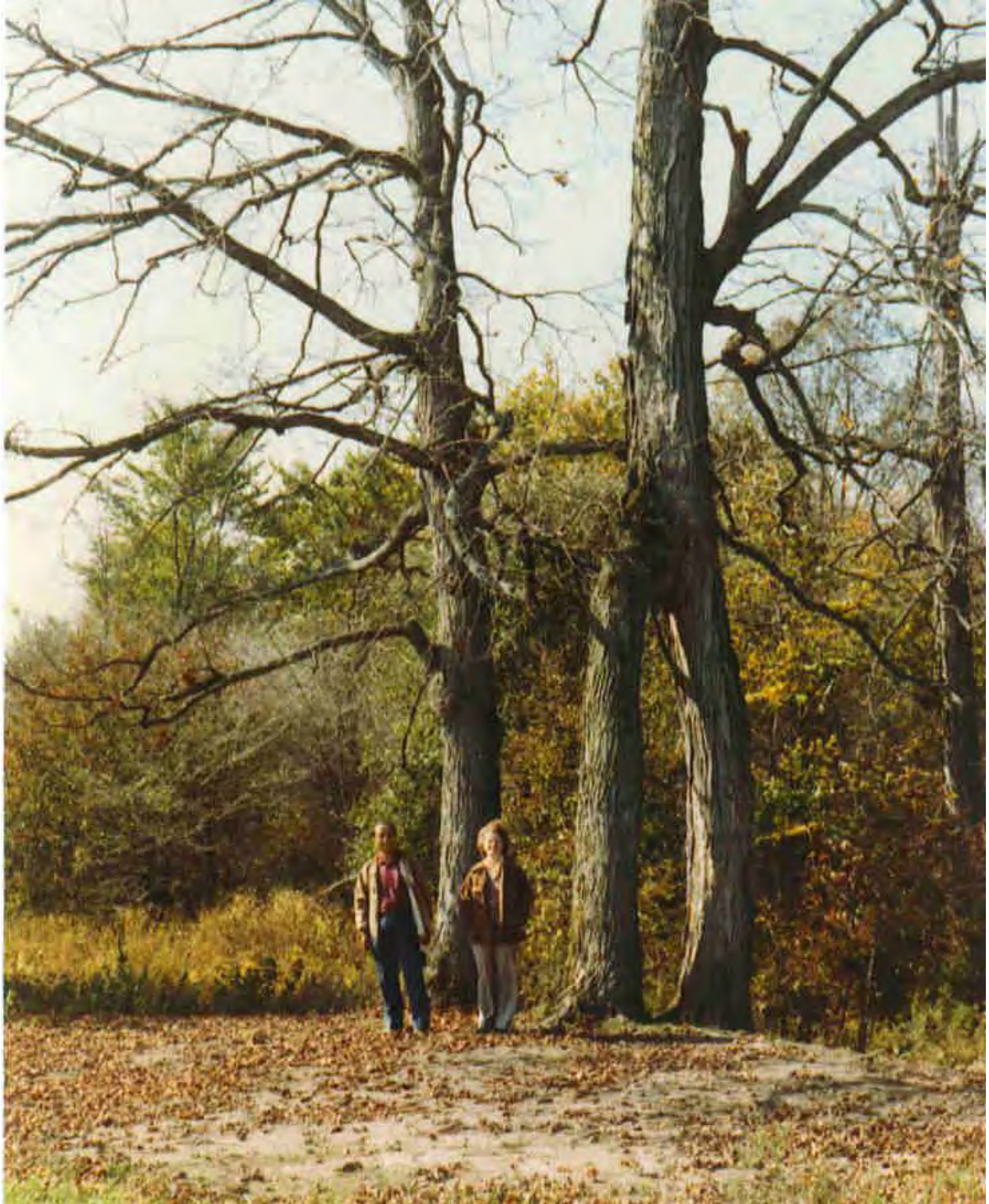


Image 40: A photograph from 1992 showing Glanbrook’s former Double Trunked Maple Tree located on the banks of Chippewa Creek (Welland River). The tree is believed to have been intentionally grafted by First Nations communities and utilized as a trail marker (Glanbrook Heritage Society).