
***Cultural Heritage Landscape Strategy Implementation –
Phase Three: Conservation Plan
St. Jude’s Cemetery
258 Lakeshore Road West, Oakville Ontario***



Town of Oakville
Heritage Planning
Approved on November 23, 2020

Figure 1 (on front cover): *St. Jude's Cemetery*, November 2019

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1. Introduction

This cultural heritage landscape conservation plan for St. Jude's Cemetery ("conservation plan" or "plan") applies to the property located at 258 Lakeshore Road West, known as St. Jude's Cemetery. This property has heritage value as a significant designed cultural heritage landscape. By the terms of the *Ontario Heritage Act*, it is unlawful to alter this property in any way that is likely to affect the property's heritage attributes unless there is a prior application to the Town and the Town consents to the alteration. By the terms of provincial law and policy, Town decisions affecting heritage planning matters shall ensure that the cultural heritage value or interest of significant heritage resources is conserved.

This plan provides guidance to the property owner/applicant and the Town and provides information to all persons interested in the conservation of this significant heritage resource. It is intended to provide a clear and efficient process to assess proposed alterations and ensure that proposed alterations meet applicable heritage requirements.

1.1 Context of this Conservation Plan

Since 2005, the Province has directed municipalities to conserve cultural heritage landscapes through its *Provincial Policy Statement* (2005, revised 2020). Most recently, the Province supplemented that direction with new landscape conservation policies in the 2019 *Growth Plan for the Greater Golden Horseshoe*.

In January 2014, consistent with provincial policy direction, Oakville's Town Council adopted a Cultural Heritage Landscapes Strategy (the "Strategy" or the "CHL Strategy"). The Strategy provides the foundation to identify and inventory candidate cultural heritage landscapes, and evaluate such landscapes to identify significant cultural heritage landscapes. The CHL Strategy has involved three phases of activity, being Inventory, Assessment, and Implementation.

Phase One of the Strategy commenced in June 2015. It screened over sixty properties across the Town for candidate cultural heritage landscapes. This screening-level inventory categorized properties as being either 'high priority', 'medium priority', 'low priority', or properties which required 'no further action'. St. Jude's Cemetery was one of twelve properties categorized as 'no further action'. Because the property had already been designated under Part IV of the *Ontario Heritage Act* by By-law 2009-075, this protection was considered to be sufficient at the time.

However, through subsequent review, staff identified a concern with the designation by-law in that not all of the property was included in the designation. The designated heritage attributes are limited to the original, more historic portion of the cemetery and staff consider the whole of the cemetery to have strong potential value as a cultural heritage landscape.

Therefore, in November 2018, Planning Services staff began a Phase Two assessment of the St. Jude's Cemetery property to evaluate the whole of the property to determine its heritage value in the context of a cultural heritage landscape. Relevant Town Staff and outside stakeholders were consulted, and working with the Town's Planning Services staff, assisted in the identification of the property's relevant cultural heritage attributes.

In September 2019, Council recognized St. Jude's Cemetery as a significant designed cultural heritage landscape and directed staff to move the property into Phase Three. With this identification, a new

heritage designation by-law was prepared to replace By-law 2009-075 (the “heritage designation by-law”), a by-law designating the property as being of historic and architectural value and interest. On February 10, 2020, pursuant to section 29 of the *Ontario Heritage Act* (OHA), the Council for the Town of Oakville directed Town staff to issue a Notice of Intention to Designate, identifying the property as a significant designed cultural heritage landscape. On November 23, 2020, By-law 2020-141, a by-law to designate St. Jude’s Cemetery as a cultural heritage landscape, was enacted. The new heritage designation by-law is one aspect of the Town’s implementation of a Town-wide strategy to conserve its significant cultural heritage landscapes.

1.2 Understanding Cultural Heritage Landscapes

The Province provides a definition and examples of cultural heritage landscapes.

The definition is the following:

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may involve features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. (PPS 2020)

Provincial policy further describes how a cultural heritage landscape may be identified:

Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms. (PPS 2020)

The Town’s CHL Strategy follows provincial policy and requirements. It also recognizes international guidance in providing that there are three types of recognized landscapes: designed landscapes, organically evolved landscapes, and associative landscapes.

As set out in the Statement of Cultural Heritage Value, St. Jude’s Cemetery cultural heritage landscape is a designed cultural heritage landscape; it is an example of a 19th century protestant church cemetery designed in the rural cemetery style. The cemetery has cultural heritage value and significance in its design, evolution and its associations with historically significant individuals who provide a better understanding of the history of St. Jude’s Anglican Church and of Oakville itself. Its continuous use as a cemetery has significance for many individuals, in and outside of the community, as a quiet and picturesque space in which they can reflect, grieve and find stillness.

1.3 Meaning of Conservation

Provincial policy in the 2020 Provincial Policy Statement provides a specific definition of “conserved”:

Conserved: means the identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning

authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

This conservation plan for St. Jude's Cemetery also makes use of the *Standards and Guidelines for the Conservation of Historic Places in Canada* (the "*Standards and Guidelines*"). In 2013, the Town endorsed the *Standards and Guidelines* for application in the planning, stewardship and conservation of heritage resources in the Town. The Town considers the *Standards and Guidelines* to provide useful direction on how to conserve landscapes.

The *Standards and Guidelines* provides a specific definition of "conservation":

Conservation: (*conservation*) all actions or processes that are aimed at safeguarding the *character-defining elements* of a cultural resource so as to retain its *heritage value* and extend its physical life. This may involve "*Preservation,*" "*Rehabilitation,*" "*Restoration,*" or a combination of these actions or processes.

1.4 Purpose of this Conservation Plan

The purpose of this conservation plan is to guide future alterations of the St. Jude's Cemetery property which are likely to affect the property's heritage attributes and/or its cultural heritage value or interest. For such alterations, the plan provides direction on ensuring that any alteration conserves the St. Jude's Cemetery property as a significant cultural heritage landscape. It does so by requiring that Town decisions retain the property's stated cultural heritage value or interest.

This plan is not a maintenance plan for the St. Jude's Cemetery property. Nor is it an operational plan. Maintenance, meaning routine and non-destructive actions that preserve the existing form, and operations are exempt from Town heritage review. Other activities are exempt from heritage review because they will not affect the property's heritage attributes.

This plan provides details on what is exempt and what requires a Town review and decision in Part 3, Actions subject to Town heritage review, and Schedule 4 (Category 'A' Action – Exempt Works), Schedule 5 (Category 'B' Alterations – Town review and consent), and Schedule 6 (Category 'C' Alterations – Town Council review and consent).

1.5 Components of this Conservation Plan

Consistent with the Town's definition of a cultural heritage landscape conservation plan, this plan has the following components:

Part 1. Introduction - provides the context and purpose of this conservation plan.

Part 2. St. Jude's Cemetery Property - provides details on the St. Jude's Cemetery property cultural heritage landscape. It provides an overall description of the landscape and includes the property's heritage attributes and its cultural heritage value or interest. This part concludes with a description of the condition of the cultural heritage landscape.

Part 3. Actions subject to Town heritage review - sets out details on what actions are exempt from heritage review by the Town (Category 'A'), and what actions require Town review and consent (Categories 'B' and 'C').

- 1) Category 'A' actions are those actions that (1) will not alter St. Jude's Cemetery in any manner and/or (2) will not affect the property's heritage attributes or impact its cultural heritage value or interest. Category 'A' actions require no notice to, review by, and/or consent from the Town under the *Ontario Heritage Act*. Exempt actions include property maintenance insofar as the maintenance is a routine, repeated activity, and reversible temporary installations.
- 2) Category 'B' actions are alterations that are likely to affect the property's heritage attributes and may impact its cultural heritage value or interest. These alterations require notice to, review by, and/or consent from Town staff under the *Ontario Heritage Act*, prior to any work being undertaken.
- 3) Category 'C' actions are alterations that are likely to affect the property's heritage attributes and may impact its cultural heritage value or interest. These alterations require notice to and review by Town staff, the Heritage Oakville Advisory Committee; and, the review and consent of Council, prior to any work being undertaken.

Part 4. Guidelines for Alterations - sets out the policy framework to be applied by the Town to make decisions on alterations that are likely to affect the heritage attributes of the property. The framework has two parts, summarized through two checklists. The first part identifies the property's heritage attributes that are likely to be affected by proposed alterations and identifies the most appropriate/relevant conservation Standards and Guidelines, as outlined in Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*. The plan sets out a checklist for this part of the policy framework in Schedule 9. The second part of the policy framework identifies each cultural heritage value or interest that is likely to be affected by the proposed alteration and whether the impact is positive, negative or neutral. The plan sets out a checklist for this part of the policy framework in Schedule 10.

Part 5. Application process - describes the Town process for reviewing proposed actions that require notice to, review by, and/or consent from the Town staff. For Category 'B' alterations, the Town process includes Town staff review and a decision on whether the alteration receives consent, including any conditions of consent. For Category 'C' actions, the Town process involves Town staff review and preparation of a report to Council. It concludes with Council review of the staff report and any additional relevant information in order to make a decision on the alteration, including any conditions of consent.

2. The St. Jude’s Cemetery Property

2.1 Description of the Property

The cultural heritage landscape is located on the south side of Lakeshore Road where Dorval Drive terminates at Lakeshore Road West. The significant cultural heritage landscape includes a variety of grave markers and monuments, as well as landscape features which contribute to its peaceful, reflective and park-like setting. The cemetery is a place of memory where bereavement and commemoration are supported through personally and publically significant monuments and grave markers, as well as landscape features.

2.2 Statement of Cultural Heritage Value or Interest

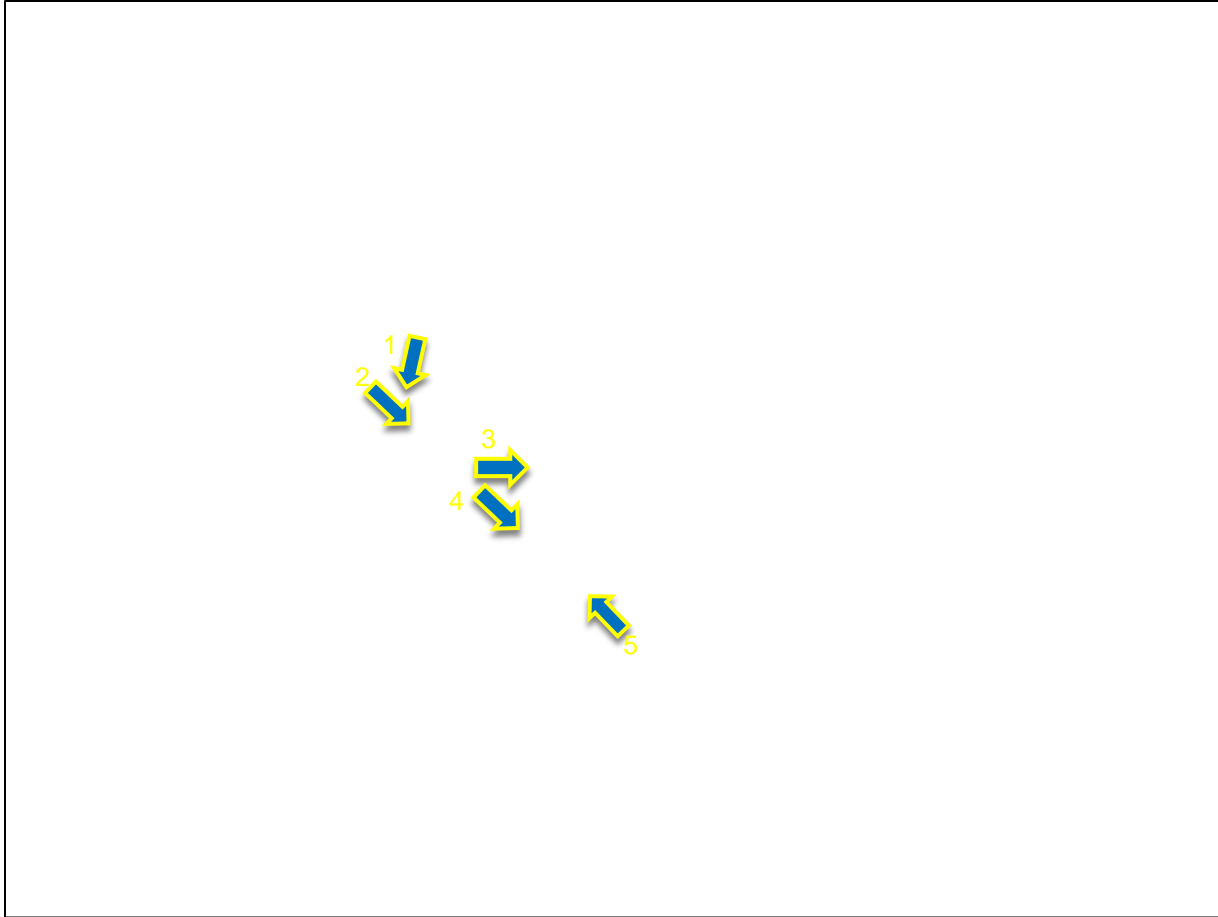
One key component of a heritage resource’s public significance is its stated “cultural heritage value or interest.” Provincial policy requires that significant cultural heritage landscapes be “conserved,” which the Province defines to mean that the identified cultural heritage value or interest is retained.

The property’s Statement of Cultural Heritage Value or Interest and its associated heritage attributes are articulated within the new heritage designation By-law 2020-141, attached as Schedule 1.

2.3 Views and Vistas

Included in the property’s significant heritage attributes are several views and vistas within the property and between the property and Lakeshore Road. These views and vistas include:

- View 1 – View from along Lakeshore Road just east of the westerly entrance, looking southwest towards the oldest part of the cemetery, including ‘Cleopatra’s Needle’.
- View 2 – View from along Lakeshore Road at the westerly entrance, looking south along the driveway towards the retaining walls and small hill.
- View 3 – View from the driveway just to the south of the retaining walls, looking southeast towards the oldest part of the cemetery and the mature white pine trees.
- View 4 – Views from the driveway just to the south of the retaining walls, looking south down the driveway towards the oldest part of the cemetery.
- View 5 – View from the bend in the driveway in the oldest part of the cemetery looking north towards the westerly entrance along Lakeshore Road.



2.4 Condition of Heritage Attributes as of November 2019

The current physical condition of St. Jude’s Cemetery’s heritage attributes is a benchmark for ensuring the conservation of the property’s heritage attributes and its cultural heritage value or interest.

The condition assessment considers the individual heritage attributes as well as the cultural heritage landscape as a whole. The meaning of the three ratings are set out below.

Rating	Meaning
Poor	The attribute is not functional.
Fair	The attribute is functional but requires some degree of improvement.
Good	The attribute is functional.

In general, a property’s cultural heritage value or interest is conserved when all the heritage attributes are in good condition, individually and as a whole. By contrast, a heritage attribute that is in poor condition or that has been destroyed or demolished may compromise cultural heritage value or interest.

Between 2011 and 2019, the Town's Parks and Open Space Department worked with restoration specialists to restore approximately 575 of the monuments in St. Jude's Cemetery. This work has included pinning portions of monuments back together, pinning monuments to new bases, raising and levelling markers that have been buried, cleaning surfaces, filling cracks, replacing lead lettering and locating missing pieces of monuments. The restoration work was done in accordance with the conservation guidelines provided in the Province of Ontario's *Landscape of Memories: A Guide for Conserving Historic Cemeteries, Repairing Tombstones*.

As part of this conservation plan, Planning Services staff undertook a condition assessment of the heritage attributes of the St. Jude's Cemetery property on November 7, 2019. The assessment concluded that the property as a whole is generally in good condition, with the following comments:

- The grave markers are in good condition, mostly due to the recent restoration program. The markers are erect, have been cleaned and are in stable condition.
- The lawns, trees, shrubs and other vegetation are maintained seasonally as required. Some of the mature trees may be nearing the end of their lifespan.

3. Actions Subject to Town Heritage Review

As outlined in Section 1.4, the purpose of this plan is the conservation of the St. Jude's Cemetery property as a significant cultural heritage landscape by ensuring its heritage attributes and cultural heritage value or interest are retained. Town consent is required for any action that is likely to affect the property's heritage attributes, value, or interest. This may also necessitate the property owner/applicant commissioning archaeological assessments before work can start. It is the property owner/applicant's responsibility to maintain the property and, where necessary, to obtain consent from the Town before making any alterations and/or undertaking restoration or repair work to the property's heritage attributes.

This part of the plan categorizes anticipated actions on the property into one of three categories: *Category 'A' Actions – Exempt Works*, no Town staff review is required; *Category 'B' Alterations – Town review and consent*, Town staff review and consent is required; and, *Category 'C' Alterations – Town Council review and consent*, Town Council's review and consent is required.

3.1 Property Alterations

Direction regarding alterations that are likely to affect the property's heritage attributes is taken from Section 33 of the *Ontario Heritage Act*, which provides that:

“(1). No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes [...] unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration”.

“(2). An application [...] shall be accompanied by a detailed plan and shall set out such information as the council may require”.

Further, the *Ontario Heritage Act* defines “alter” as follows:

“alter” means to change in any manner and includes to restore, renovate, repair or disturb and “alteration” has a corresponding meaning;”

Based on these requirements, this plan has exempted from Town Planning Services review those actions that will not change the St. Jude’s Cemetery property and those actions that will not affect the property’s heritage attributes. A key example of an exempted action is property maintenance. Maintenance means routine and non-destructive actions to protect, preserve or stabilize the existing form, material and integrity of the property.

3.2 Three Categories of Planned Actions

This plan addresses planned actions under three categories: ‘A’, ‘B’, and ‘C’. These actions are further described in Schedules 4, 5 and 6. In situations where proposed activities are not identified in Schedules 4, 5 or 6, the owner/applicant is required to provide notice to, review by, and/or consent from Town staff and/or Town Council before any work is undertaken. Upon being contacted by the owner/applicant, Town staff will review the proposal and confirm which category of activity the proposal falls within.

Details are set out below.

3.2.1 Category ‘A’ Action – Exempt Works

Category ‘A’ actions are those actions that (1) will not alter St. Jude’s Cemetery in any manner and/or (2) will not affect the property’s heritage attributes nor impact its cultural heritage value or interest. Category ‘A’ actions require no notice to, review by, and/or consent from the Town under the *Ontario Heritage Act*. Exempt actions include property maintenance insofar as the maintenance is a routine, repeated activity, and reversible temporary installations.

The list of Category ‘A’ actions is set out in Schedule 4.

Note that this list does not authorize the alteration of any heritage attributes. Town staff are available for consultation to clarify the scope of exempt works.

3.2.2 Category ‘B’ Alterations – Town Review and Consent

Category ‘B’ actions are alterations that are likely to affect the property’s heritage attributes and may impact its cultural heritage value or interest. These alterations require notice to, review by, and/or consent from Town staff under the *Ontario Heritage Act*, prior to any work being undertaken.

The list of Category ‘B’ alterations is set out in Schedule 5.

Should Town staff not support a proposed Category ‘B’ alteration, staff will forward the application to the Heritage Oakville Advisory Committee for review and to Council for a final decision.

3.2.3 Category ‘C’ Alterations – Town Council Review and Consent

Proposals for alterations that are likely to affect the heritage attributes and also impact the cultural heritage value or interest of the property, require review by Town staff; Heritage Oakville Advisory Committee; and, the review and consent of Council, prior to any work being undertaken.

The list of Category 'C' alterations is set out in Schedule 6.

4. Guidelines for Alterations

In March 2013, the Town endorsed Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (the "*Standards and Guidelines*") for application in the planning, stewardship and conservation of heritage resources in the Town. The *Standards and Guidelines* provide useful direction on how to conserve *character-defining elements* such as cultural landscapes and as such this plan makes use of these same *Standards and Guidelines*.

Town decisions on cultural heritage matters must be consistent with the Provincial Policy Statement (2020) and conform to the Provincial Growth Plan for the Greater Golden Horseshoe (2019). This provincial guidance requires that significant cultural heritage landscapes such as St. Jude's Cemetery be conserved. Further, "conserved" means that the landscape's cultural heritage value or interest is retained. Thus, Town review of a Category 'B' or 'C' alteration must focus on whether and how the alteration affects the property's stated cultural heritage value or interest. The property's Statement of Cultural Heritage Value or Interest is found in the new heritage designation By-law 2020-141, attached as Schedule 1.

4.1 Conservation Objectives

Any Category 'B' or 'C' alterations must ensure that the property's cultural heritage value or interest is conserved. In general, conservation can include one of three options: preservation, rehabilitation or restoration.

Preservation is to be understood as protecting, retaining and stabilizing the existing form, material and integrity of the St. Jude's Cemetery property, or of one of its individual heritage attributes, while protecting its value.¹ Preservation is typically a Category 'B' alteration. This approach at the St. Jude's Cemetery property is to be considered when:

- Materials, features and spaces are essentially intact and convey the value, without extensive repair or replacement.
- Continuation or new use does not require extensive alterations or additions.

Rehabilitation or restoration should only be considered when preservation is not possible or feasible. These conservation options have greater impact on heritage attributes and may affect the cultural heritage value of the property.

¹ Based on the definition of Preservation included in the *Standards and Guidelines*

Rehabilitation is to be understood as the action or process of making possible a continuing or compatible contemporary use of the St. Jude's Cemetery property, or of one of its individual heritage attributes, while protecting its value. Rehabilitation is typically a Category 'C' alteration. This approach at the St. Jude's Cemetery property is to be considered when alterations to the property are planned for a new or continued use.

Restoration is defined as alterations to accurately reveal, recover or represent the state of an historic place or individual component as it appeared at a particular period in its history. In some circumstances, this conservation option may apply to specific features in the cultural heritage landscape. Restoration may not be relevant to the St. Jude's Cemetery property's cultural heritage landscape as a whole.

4.2 Ensuring that Proposed Alterations Conserve St. Jude's Cemetery's Cultural Heritage Value or Interest

This plan provides concrete guidance on conservation through two checklists set out as Schedules 9 and 10. These checklists are a key feature of this plan. They are intended to assist the Town with ensuring that any Category 'B' or 'C' alteration will conserve the heritage attributes and cultural heritage value or interest of the property.

Every applicant for a Category 'B' or 'C' alteration is required to complete the two checklists as part of their submission to the Town. Together, these two checklists provide the Town with the information necessary to answer the key question under Part 5 of the plan: Is the proposed alteration consistent with conserving the heritage attributes and cultural heritage value or interest of St. Jude's Cemetery?

1. Heritage Guidelines Checklist

The Heritage Guidelines Checklist, attached as Schedule 9, sets out the property's identified heritage attributes and the most relevant conservation standards and guidelines as outlined in Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*. The property's heritage attributes are set out in By-law 2020-141, which is attached as Schedule 1. Parks Canada's 14 Standards are included in Schedule 7. This checklist incorporates a number of conservation principles including that proposed alterations be minimal, compatible, reversible, and easily distinguishable from the property's identified heritage attributes.

The Heritage Guidelines Checklist integrates key aspects of this plan, as follows:

- 1) It incorporates all identified heritage attributes, as set out in Schedule 1, the new heritage designation by-law (By-law 2020-141), and the most relevant Parks Canada Standard(s);
- 2) It considers whether and how the proposed alteration affects the attributes;
- 3) It considers whether and how the proposed alteration affects the cultural heritage landscape as a whole and the individual conservation areas; and
- 4) It gives priority to preservation over rehabilitation and/or restoration.

The checklist is organized based on the landscape as a whole. For each heritage attribute listed in the checklist, an answer is required for two important questions: Is the Standard relevant to the proposed alteration; and if relevant, is the proposed alteration consistent with the Standard?

Every applicant for a Category 'B' or 'C' alteration is required to complete this checklist as part of its submission to the Town. The Town's review of an application for a Category 'B' or 'C' alteration will include a Town staff review of the Heritage Guidelines Checklist, as completed and submitted by the applicant, in order ensure that the proposed alteration is consistent with the applicable Standard. If the Town review accepts the entirety of the submitted checklist, it may be included in the Town decision. Should the Town review result in different answers to checklist questions, Town staff will complete a new Heritage Guidelines Checklist that reflects the Town considerations.

2. Heritage Values Checklist

Town decisions on proposed alterations to a protected heritage property must ensure that the property's cultural heritage value or interest is conserved. The second checklist forming part of this plan addresses this requirement. As set out in Schedule 10, this second checklist requires information on whether and how the proposed Category 'B' or 'C' alteration affects the cultural heritage value or interest of the St. Jude's Cemetery property.

The Heritage Values Checklist in Schedule 10 demands an answer to the question whether the proposed alteration will have a positive effect, a negative effect or no effect on the cemetery property's cultural heritage value or interest.

Every applicant for a Category 'B' or 'C' alteration is required to complete the Heritage Values Checklist in Schedule 10 as part of its submission to the Town. If the Town review accepts the entirety of the submitted checklist, it may be included in the Town decision. Should the Town staff review result in different answers to checklist questions, Town staff should complete a new checklist that reflects the Town considerations.

The third column in this checklist addresses the "Type of effect" on the cultural heritage value or interest. There are three possible responses: positive (P), negative (N) or no effect (Nil).

5. Application process

5.1 Step 1: Notice to Town

Where the property owner/applicant seeks to alter the property and the alteration is not a Category 'A' action, then a review of the application by Town staff is required.

If the action is not listed as a Category 'A' action in Schedule 4, then the property owner/applicant is required to contact Town staff and advise them of the proposed alteration. Given the different processes involved, the property owner/applicant should also indicate to Town staff whether the proposed alteration is listed as a Category 'B' alteration in Schedule 5 or a Category 'C' alteration in Schedule 6. Town staff will confirm whether the action is Category 'B' or 'C'.

The Town notes that, if an action is not on any of the lists at Schedules 4, 5 or 6, the applicant shall advise Town staff who will then decide if the action falls within Category 'A', 'B', or 'C'.

5.2 Step 2: Consultation with Property Owner/Applicant

Town consent is required for any Category 'B' or 'C' alteration on the basis that the alteration is likely to affect the property's heritage attributes and/or its cultural heritage value or interest. The Town will

address this requirement for consent through review of the application. The application must be submitted in a manner that provides the Town with a clear understanding of the specific details and visual representation of the proposed alterations to the property. Please refer to Town staff or to the Town website for submission deadline dates for Category 'C' alterations.

Before the submission of an application, applicants may be required to meet with Town staff and Heritage Oakville Advisory Committee members to discuss the proposed alterations. This pre-consultation is an important step in the application process as it provides an opportunity for the applicant and Town staff to review the policies related to the property in order to ensure that the application meets the relevant requirements. Pre-consultation may also be required to allow Town staff to confirm whether the action is Category 'A', 'B' or 'C'.

5.3 Step 3: Submission of Complete Application

All applications for Category 'B' and Category 'C' alterations must be complete. To be deemed complete, an application must include:

- Digital copy of the completed application form and any additional written description of the proposed changes;
- Digital copy of the completed Heritage Guidelines Checklist (Schedule 9) and Heritage Values Checklist (Schedule 10);
- Digital copy of all drawings; and
- Digital copy of all photographs.

Town staff may also require drawings and visual materials to be submitted in order for an application to be deemed complete. When required by Town staff, the following must also be submitted as part of the application:

- Digital copies of a site plan or current survey of the property that shows all buildings, structures, features, critical setbacks and distances from adjacent properties, and the location of all proposed work to structures and/or landscaping;
- Digital copies of a Heritage Impact Assessment;
- Digital copies of a Structural Assessment;
- Digital copies of architectural drawings that clearly illustrate the proposal and show all proposed changes to all buildings, structures, features, landforms, water features or plantings, including 3-D drawings or artist renderings of proposed work for large scale projects;
- Digital copies of photographs of the property, including:
 - Photographs of all impacted areas;
 - Photographs of all applicable portions of the property, including landscaping and structures;
 - Photographs of any impacted views;
 - Photographs of the surrounding area, nearby streetscape(s), and/or neighbouring properties for context; and
- Physical and/or visual samples of materials proposed to be used.

On receipt of a complete application, Town staff will serve a notice of receipt of the application on the applicant.

5.4 Category 'B' alterations - Town Review and Consent

Alterations to the property that are listed as Category 'B' alterations in Schedule 5 require notice to, review by, and/or consent from Town staff, prior to any work being undertaken.

Town evaluation of submitted Category 'B' applications will conclude with the review of, and where necessary, the completion of the two checklists:

- 1) the Heritage Guidelines Checklist set out in Schedule 9 to this plan; and
- 2) the Heritage Values Checklist set out in Schedule 10 to this plan.

Where staff has received all required information, the Town review process should be completed in no more than five (5) business days whenever possible.

If Town staff are unable to complete either checklist because they lack sufficient information to do so, staff may take all necessary steps to obtain the required information.

Where, following completion of the two checklists, Town staff concludes that the proposed alteration is consistent with conserving the cultural heritage value or interest of the St. Jude's Cemetery property, then Town staff may consent to the application, or they may consent to the application and, if required, impose any necessary terms and conditions.

Where, following completion of the two checklists, Town staff concludes that the proposed alteration is not consistent with conserving the cultural heritage value or interest of the St. Jude's Cemetery property, then Town staff shall not consent to the alteration, and shall refer the alteration to the Heritage Oakville Advisory Committee for review and to Council for review and decision.

5.5 Category 'C' alterations – Town Council Review and Consent

Alterations to the property that are listed as Category 'C' alterations in Schedule 6 require review by Town staff; Heritage Oakville Advisory Committee; and, review and consent of Council, prior to any work being undertaken.

Town evaluation of submitted Category 'C' applications will conclude with the review of, and where necessary, the completion of the two checklists:

- 1) the Heritage Guidelines Checklist set out in Schedule 9 to this plan; and
- 2) the Heritage Values Checklist set out in Schedule 10 to this plan.

If Town staff are unable to complete either checklist because they lack sufficient information to do so, staff may take all necessary steps to obtain the required information.

Town staff will provide their information and recommendations, including the completed checklists, to the Heritage Oakville Advisory Committee.

The Heritage Oakville Advisory Committee will review the application and make a recommendation to Council. Council will review the application and recommendations and make a final decision. If Council does not make a decision on an application within 90 days after the notice of receipt of a complete application is served, the *Ontario Heritage Act* provides that Town Council shall be deemed to have consented to the application. If mutually agreed upon, an extension can be granted.

The following are the steps that an application for consent to a Category ‘C’ alteration must go through, unless otherwise determined by the Town staff. Please note that this process is subject to change as per provincial regulations and should be confirmed with staff prior to submission.

1)	Applicant contacts Town staff to advise of proposed Category ‘C’ alteration and arrange pre-consultation meeting to discuss proposed work				
	↓				
2)	Applicant meets with Town staff (and members of Heritage Oakville if deemed necessary by staff) at a pre-consultation meeting prior to submission of application				
	↓				
3)	Applicant submits all required components of the application to Town staff				
	↓				
4)	Town staff prepares report and recommendation on the application attaching completed checklists pursuant to Schedules 9 and 10 to this plan.				
	↓				
5)	Heritage Oakville Meeting – Town staff presents the report and recommendation on the application. Heritage Oakville makes a recommendation on the application and forwards the recommendation to Council for decision.				
	↓				
6)	Planning and Development Council Meeting – Council makes decision to either:				
	Consent to application	<u>OR</u>	Consent to application with terms and conditions	<u>OR</u>	Refuse application

	↓				
	Applicant either:				
	Accepts consent	<u>OR</u>	Accepts consent with terms and conditions OR Files objection to consent with terms and conditions with Town and Town refers objection to the CRB± for a hearing	<u>OR</u>	Accepts refusal OR Files objection to refusal with Town and Town refers objection to the CRB± for a hearing
	±CRB - Conservation Review Board (tribunal that provides hearing reports setting out findings of fact and recommendations to a municipality or the Minister of Heritage, Sport, Tourism and Culture industries)				

5.6 Conditions of Town Consent

Town review of Category ‘B’ and ‘C’ applications may conclude that an alteration is acceptable, so long as the alteration complies with any specified terms and conditions. Where the Town decision references terms and conditions of consent, these terms and conditions are binding and enforceable by the Town.


6. Appendices



6.1 Appendix A – Current condition Assessment of Heritage Attributes




The following table articulates the findings of the condition assessment which was undertaken at the time the property was identified as a cultural heritage landscape. Town staff assessed St. Jude’s Cemetery’s cultural heritage landscape heritage attributes as identified in By-Law 2020-141 (attached as Schedule 1). The rating system to be applied, being ‘Poor’, ‘Fair’, or ‘Good’, considers the physical condition and processes of the landscape.



Rating	Meaning
Poor	The attribute is not functional.
Fair	The attribute is functional but requires some degree of improvement.
Good	The attribute is functional.


Attribute	Description	Photograph	Rating
Key attributes of the significant cultural heritage landscape, including:			
Its defined geographical area	The cemetery was established with defined physical boundaries and expanded and modified by human activity over time. The geographical area of the cultural heritage landscape is easily identified through fencing and vegetation.		Good
Its placement in a prominent location along Lakeshore Road with proximity to Lake Ontario and downtown Oakville	Originally developed on the edge of town, the cemetery remains a well-known landmark in a historically significant area		Good





Attribute	Description	Photograph	Rating
Key attributes of the significant cultural heritage landscape, including:			
The relationship between the property's topography, natural elements and hardscaping features, including its variety of monuments, markers and structures	The significance of the cultural heritage landscape is informed by the relationship between the natural and human-made elements of the cemetery and how they have been placed and designed by humans over the past two centuries		Good

Attribute	Description	Photograph	Rating
Key built heritage attributes of the monuments and markers, including fragments of markers and monuments, including their:			
Location and orientation	The location and orientation of the markers and monuments provide information on the many changes in burial practices from the 19 th to 21 st centuries		Good
Range of size and sophistication, from modest to elaborate	These differences reveal information about the buried individual's place and status within the community and help document the many changes and trends in burial practices		Good

Attribute	Description	Photograph	Rating
Key built heritage attributes of the monuments and markers, including fragments of markers and monuments, including their:			
Variety of styles, materials, and symbolism represented	The different styles, materials and symbols provide a snapshot of the evolution of cemeteries from the 19 th to 21 st centuries. They also provide information on the individual's values, religion, background and status within the community.		Good
Shape and form, including decorative elements	The various shapes and designs found on the monuments speak to the many changes in customs and trends over the centuries. They also provide information on the individual's age, background, religion and affiliations.		Good
Surviving inscriptions	The remaining inscriptions provide significant information about the individuals buried in the cemetery, as well as information on burial practices throughout the last three centuries.		Good

Attribute	Description	Photograph	Rating
Key built heritage attributes of the monuments and markers, including fragments of markers and monuments, including their:			
Various construction methods and techniques	The monuments range from the oldest which are hand-made marble to more contemporary machine-made granite markers with high quality images		Good
Associated fencing, specifically around family plots	On several family plots, low metal fencing delineates the plot and speaks to the family's wealth and status		Good

Attribute	Description	Photograph	Rating
Key geographic, natural and hardscaping attributes that contribute to St. Jude's Cemetery's overall cultural heritage value and significance, including its:			
Views and vistas within the cemetery and towards Lakeshore Road	Many of the views have changed very little since the 19 th century and continue to provide lovely and meaningful views to visitors.		Good

Attribute	Description	Photograph	Rating
Key geographic, natural and hardscaping attributes that contribute to St. Jude's Cemetery's overall cultural heritage value and significance, including its:			
Placement and variety of mature trees, shrubs and other vegetation	While many trees have grown naturally, most have been planted in specific locations to provide shade and visual interest; some shrubs and trees have been planted next to monuments by family members in commemoration of loved ones		Good
Mature trees and vegetation, which include white pines, spruce, black locust, black cherry, beech, red oak, cedar, walnut, elm, lilac and yew	Many of the mature trees are significantly old while others are newer plantings, but all speak to the history of cemetery landscaping and to the importance of providing a tranquil setting for the grieving process		Good
Driveways and pathways	These are part of a planned network throughout the cemetery that has expanded over time and provides visitors access to the monuments, as well as vistas and open views from, to and within the cemetery		Good
Park-like setting	The combination of expansive lawns, mature trees and other landscape features, along with the fauna and fresh air that come with this setting, provide a park-like experience for visitors		Good

7. Schedules

Schedule 1 – Heritage Designation By-law 2020-141

Description of Property

St. Jude's Cemetery is located on the south side of Lakeshore Road West where Dorval Drive terminates at Lakeshore Road West. It is bounded by residential development to the west, south and east and by Lakeshore Road to the north. Municipally, it is identified as 258 Lakeshore Road West. The approximately 4.5 hectare (11.0 acres) cemetery is comprised of two general areas, which were connected in 1927. The western original portion of the cemetery is defined by its higher elevation and contains the more historic monuments and markers and the eastern section is defined by its lower elevation and more contemporary markers. The cemetery has a park-like setting that includes mature trees and vegetation and a grid-like pattern of monuments and markers.

Statement of Cultural Heritage Value or Interest:

St. Jude's Cemetery is a designed cultural heritage landscape. It is a representative example of a 19th century cemetery designed in the rural cemetery style. The original cemetery has been expanded and adapted over many decades as it changed from a private church cemetery to a public one. The cemetery is inextricably linked to the 19th and 20th century history of St. Jude's Anglican Church and of Oakville itself. Many of the individuals buried in the cemetery were significant local individuals who contributed greatly to the early development of Oakville and Trafalgar Township.

The property holds significant religious, spiritual and emotional value to residents of Oakville whose family members have been buried, and continue to be buried, within the cemetery. As a place of memory, the cemetery provides a physical connection to the past and to loved ones on both a personal and community level. The cultural heritage value or interest of the property has been identified since 2008, when the Town of Oakville designated the property under the *Ontario Heritage Act*.

Design and Physical Value:

St. Jude's Cemetery has design and physical value as a representative example of a designed cultural heritage landscape – a 19th century church cemetery, influenced by the rural cemetery style that originated in England. Typical of Ontario cemeteries of this era, it contains a variety of grave markers and monuments which document the many changes in burial practices from the 19th to 21st centuries. These changes are demonstrated in the material, size, shape, design, construction techniques and location of the markers. The cemetery includes many early and representative examples of headstones, as well as many unique monuments which display a high degree of craftsmanship.

The monuments provide insight into the individuals who are buried and/or commemorated in the cemetery through their inscriptions and symbols which speak to family history, occupation, religion, affiliations with organizations, as well as personal beliefs and values. The range of size, sophistication and details of the grave markers reveal information about the person's place and status within the community. They tell the story of a community and document the lives of individuals. And perhaps more significantly, they play an important role in the grieving process by providing a tangible connection to those who have passed before us, linking us with loved ones and allowing us to discover our past.

The property also has heritage value for its landscape features, including its subtle rolling landscape, narrow driveway, mature trees and other plantings which have either been intentionally planted or have developed naturally over many decades. All of these elements contribute to a tranquil, scenic space that supports individuals and communities through experiences of loss, grief and commemoration.

Historical and Associative Value:

St. Jude's Cemetery has cultural heritage value for its direct associations with St. Jude's Anglican Church, one of the first religious institutions established by European settlers in Oakville. The creation of the cemetery was a significant achievement for the growing Church and met an important need for parishioners. The cemetery continues to hold significant value to members of the Church as a place to visit the graves of loved ones and as a continually operating cemetery where individuals are buried and commemorated. The site has strong religious and spiritual value and is a place of grieving and healing for its visitors.

The cemetery is also directly associated with the early settlement of Oakville and the development of the town throughout the 19th, 20th and 21st centuries. Many individuals who played a significant role in the development of Oakville are buried in this cemetery, including some of the first European pioneers who settled in the town and in Trafalgar Township. The property yields significant information about these individuals that contributes to the understanding of the community of Oakville and the former Trafalgar Township, as well as of St. Jude's Anglican Church.

In addition to its historical significance, the property has direct associations with the theme of burial practices in Ontario as well as the religious, spiritual and social beliefs surrounding death and the afterlife. The cemetery acts as an important physical space where these beliefs and practices are carried out. The monuments and natural landscape of the cemetery are the earthly material elements that anchor individuals to these beliefs and values and support them through the grieving and healing process. These beliefs and practices are not only personal and individual but are also part of larger cultural traditions and religious institutions. The cemetery therefore has significant heritage value for individuals, the local community and beyond.

Contextual Value:

St. Jude's Cemetery has contextual value for its prominent location along Lakeshore Road, a significant and historic road along Lake Ontario. The mature trees of the cemetery are a well-known sight along Lakeshore Road and the cemetery helps to define, maintain and support the scenic character of this road. The property is a well-known local landmark, easily visible along Lakeshore Road and also from Dorval Drive, which terminates at the cemetery.

The cemetery's location provides historical context regarding the development of Oakville as it was originally developed on the outskirts of Oakville and has since been surrounded by residential development. The property remains physically, functionally, visually, and historically linked to its surroundings including Lake Ontario, Lakeshore Road and the former rectory now located at 2 Holyrood Avenue.

Description of Heritage Attributes:

Key heritage attributes which contribute to St. Jude's Cemetery's overall cultural heritage value and significance as a cultural heritage landscape include:

- its defined geographical area which has been modified by human activity;
- its placement in a prominent location along Lakeshore Road with proximity to Lake Ontario and downtown Oakville; and
- the relationship between the property's topography, natural elements and hardscaping features, including its variety of monuments, markers, and structures.

Key built heritage attributes of the monuments and markers, including fragments of monuments and markers, which contribute to St. Jude's Cemetery's cultural heritage value and significance include their:

- location and orientation;
- range of size and sophistication, from modest to elaborate;
- variety of styles, materials and symbolism represented;
- shape and form, including decorative elements;
- surviving inscriptions;
- various construction methods and techniques; and
- associated fencing, specifically around family plots.

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

- views and vistas within the cemetery and between the cemetery and Lakeshore Road;
- placement and variety of mature trees, shrubs and other vegetation;
- mature trees and vegetation, which include white pines, spruce, black locust, black cherry, beech, red oak, cedar, walnut, elm, lilac and yew;
- driveways and pathways; and
- park-like setting.

Schedule 2 – Glossary

“**Alter**” means to change in any manner and includes to restore, renovate, repair or disturb and “alteration” has a corresponding meaning. (*Ontario Heritage Act*, s. 1)

“**Character-defining element**” means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the *heritage value* of a *historic place*, and which must be retained in order to preserve its *heritage value*. (*Standards and Guidelines*) Note: This term may be used interchangeably with the terms ‘*heritage attribute*’ or ‘*heritage attributes*’.

“**Compatible**” when used together with any building, use, alteration or any other form of change means consistent with the heritage attributes value of a property, and which has little or no adverse impact on its appearance, heritage attributes, and integrity. (Downtown Oakville Heritage Conservation District Plan and Guidelines, 2013)

“**Conservation**” means all actions or processes that are aimed at safeguarding the *character-defining elements* of a cultural resource so as to retain its *heritage value* and extend its physical life. This may involve “*Preservation*,” “*Rehabilitation*,” “*Restoration*,” or a combination of these actions or processes. (*Standards and Guidelines*)

Conserved: means the identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments. (*Provincial Policy Statement*, 2020)

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms. (*Provincial Policy Statement*, 2020)

“**Cultural heritage value**” means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present and future generations. The heritage value of an historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings. (*Standards and Guidelines*)

“**Distinguishable**” means a change that strikes a balance between imitation and contrast, thereby complementing the property in a manner that respects its heritage value or interest.

Heritage attributes: means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built, constructed, or

manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property). (*Provincial Policy Statement, 2020*) Note: This term may be used interchangeably with the term '**character-defining element**'.

"Heritage Oakville Advisory Committee", or 'Heritage Oakville', is a municipal heritage committee that Council established, by by-law, to advise and assist council on heritage related matters. Heritage Oakville reviews heritage permits and other heritage-related matters. [*Ontario Heritage Act, s. 28(1)*]

"Maintenance" means the routine, cyclical, nondestructive actions necessary to slow the deterioration of an historic place. It entails periodic inspection; routine, cyclical, non-destructive cleaning; minor repair and refinishing operations; replacement of damaged or deteriorated materials that are impractical to save. (*Standards and Guidelines*)

"Permanent" means lasting or intended to last indefinitely.

"Property" means real property and includes all buildings and structures thereon. (*Ontario Heritage Act, Part IV, 2005, c. 6, s. 14.*)

"Reversible" means a change that permits restoration to the prior state or condition at a later date without damaging the heritage attributes of a property. This is particularly important if a change is related to a new use that may also later change. Reversible alterations are not destructive.

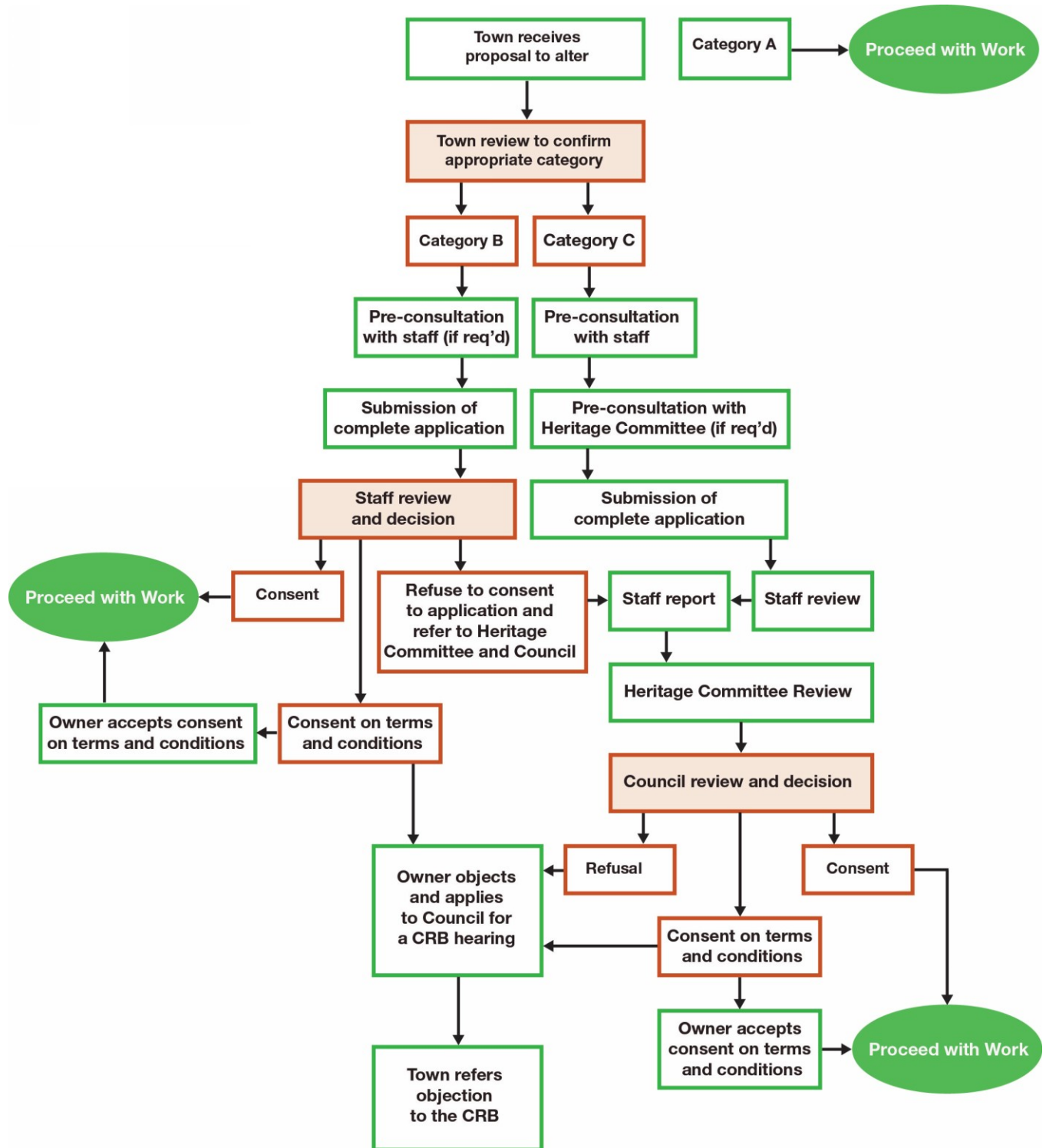
"Structure" means a building or other manufactured thing erected on land by humans that is distinct in visual form and materials from the land itself and natural elements and includes any structure designated under the Building Code, as amended, a building permit for which has been issued under the authority of the Building Code Act. (Town of Oakville, amended Site Alteration By-law 2018-044)

"Subordinate" means an alteration that does not detract from the property or affect its heritage value.

Where this plan uses terms defined under provincial law and policy and Town by-laws and policies, those definitions, as amended, apply to the use of these terms in this plan.

Schedule 3 – Decision-Making Tree

Please note that the process set out below is subject to change as per provincial regulations and should be confirmed with staff prior to submission.



Schedule 4 – Category ‘A’ Action – Exempt Works

Category ‘A’ actions are those actions that (1) will not alter St. Jude’s Cemetery in any manner and/or (2) will not affect the property’s heritage attributes nor impact its cultural heritage value or interest. Category ‘A’ actions require no notice to, review by, and/or consent from the Town under the *Ontario Heritage Act*. Exempt actions include property maintenance insofar as the maintenance is a routine, repeated activity, and reversible temporary installations. All of these works shall be carried out in accordance with By-law 2018-065, a by-law to establish rules and regulations for Town of Oakville Cemeteries.

1. Maintenance

Maintenance of property

1. Normal use of the property;
2. Watering, both automated and hand watering;
3. Daily and seasonal upkeep of garden beds and decorative plantings;
4. Trash removal;
5. Mowing of lawns;
6. Manual weed control;
7. Regular maintenance of trees and shrubs, including pruning of dead/damaged limbs and the removal of self-seeded saplings;
8. Removal of shrubs;
9. Removal of trees in cases where the tree is endangering a monument or marker or in cases where its removal is required to facilitate a burial;
10. Removal of trees in accordance with By-law 2009-025, a by-law to authorize and regulate the planting, care, maintenance and removal of trees on Town property and ensuring the sustainability of the urban forest;
11. Replacement of trees with new native species in the same location, as long as the trees are permitted to be removed in accordance with this section *Maintenance of property*;
12. Planting and maintenance of decorative flowerbeds and grass areas;
13. Driveway and parking lot surface upkeep including filling in cracks and potholes; and
14. Excavation and soil disturbance related to burials.

Facilities maintenance

15. Repair of facilities with same materials;
16. Snow removal, salting and sanding as needed;
17. Resurfacing of driveways to existing footprint with same material;
18. Repair and repainting of existing signage;
19. Installation of new directional or traffic control signage;
20. Repair of above ground utilities or services;
21. Repair and repainting of existing non-heritage fencing; and
22. Installation of temporary seasonal decorations, including floral decorations, lighting and signage.

General building maintenance on all buildings;

23. Repair and replacement of roofing materials, eaves troughs and downspouts, cladding, trim, doors, windows, stairs and steps; and
24. Installation of security and amenity lighting.

2. Alterations That Will Not Affect Heritage Attributes

1. Subsurface works of less than 30 days that will not result in permanent change to the ground surface or land massing;
2. Repaving of parking lots and driveway to existing footprint with same materials;
3. In kind replacement or repair of damaged features after unexpected events include inclement weather, vandalism, electrical, mechanical damage. (Note: repairs that are not 'in kind' may require heritage review);
4. Reversible, temporary installations (returned to original condition within 30 days), such as roping off areas; and, temporary installations, including things such as tents, portable washrooms, and signage;

Emergency Actions

5. Emergency actions required to address safety issues resulting from a storm or similar natural event that are not in-kind replacement or repair, so long as impact to heritage attributes are avoided or minimized as practicable and the property owner/applicant prepares and submits to Town staff, as soon as practicable, a photographic record of the damage incurred to the property and work undertaken; and
6. Emergency actions required to address site operations resulting from a storm or similar natural event that are not in-kind replacement or repair and may impact the heritage attributes of the property, so long as the property owner/applicant prepares and submits to Town staff, as soon as practicable, a photographic record of the damage incurred to the property and work undertaken and an application for the applicable heritage approval.

Schedule 5 – Category ‘B’ Alterations – Town Review and Consent

Category ‘B’ actions are alterations that are likely to affect the property’s heritage attributes and may impact its cultural heritage value or interest. Under the *Ontario Heritage Act*, these alterations require notice to, review by, and/or consent from Town staff prior to any work being undertaken. All of these works shall be carried out in accordance with By-law 2018-065, a by-law to establish rules and regulations for Town of Oakville Cemeteries.

1. Addition/removal/replacement of, or other changes to permanent hard landscaping features that are not identified as heritage attributes in By-Law 2020-141 (attached as Schedule 1), as follows:
 - a. parking lots;
 - b. patios; and
 - c. in ground planters.
2. Addition/removal/replacement of, or other changes to, permanent signage;
3. Addition/removal/replacement of, or other changes to, light standards;
4. Addition or removal of up to four trees;
5. Addition/removal/replacement or other changes to paths and walkways;
6. Addition/removal/or replacement of a new permanent building or structure provided that the entire footprint of the alteration, including all open porches and spaces, is less than 15 square metres (or 161 square feet);
7. Subsurface works of more than 30 days that will not result in permanent change to the ground surface or land massing; and
8. Minor revision to previously approved section 33 *Ontario Heritage Act* alterations.

Schedule 6 – Category ‘C’ Alterations – Town Council Review and Consent

Category ‘C’ actions are alterations that are likely to affect the property’s heritage attributes and/or impact its cultural heritage value or interest. Under the *Ontario Heritage Act*, these alterations require notice to and review by Town staff, the Heritage Oakville Advisory Committee, and the review and consent of Council prior to any work being undertaken. All of these works shall be carried out in accordance with By-law 2018-065, a by-law to establish rules and regulations for Town of Oakville Cemeteries.

1. Addition/removal/replacement of, or other changes to heritage attributes as identified in By-Law 2020-141 (attached as Schedule 1);
2. Construction of a new permanent building or structure that is greater than 15 square metres (or 161 square feet);
3. Addition to or partial removal of a permanent building or structure, that has a total footprint, including all open porches and spaces, that is greater than 15 square metres (or 161 square feet);
4. Addition or removal of more than four trees.

Schedule 7 – Parks Canada’s 14 Standards

Parks Canada’s *Standards and Guidelines for the Conservation of Historic Places in Canada* sets out 14 Standards which are to be applied to historic places that have been recognized for their heritage value. These standards can also be applied to new construction which is attached, adjacent, or related to resources such as, but not limited to, archaeological sites such as battlefields or shipwrecks; landscapes with their related natural and built features; and, individual buildings or entire urban districts.

The 14 Standards include:

General Standards (all projects)

1. Conserve the heritage value of a historic place. Do not remove, replace, or substantially alter its intact or repairable character-defining elements. Do not move a part of a historic place if its current location is a character-defining element.
2. Conserve changes to a historic place which, over time, have become *character-defining elements* in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties or by combining features of the same property that never coexisted.
5. Find a use for a historic place that requires minimal or no change to its character-defining elements.
6. Protect and, if necessary, stabilize a historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbance of archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
8. Maintain *character-defining elements* on an ongoing basis. Repair *character-defining elements* by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
9. Make any intervention needed to preserve *character-defining elements* physically and visually compatible with the historic place, and identifiable upon close inspection. Document any intervention for future reference.

Additional Standards Relating to Rehabilitation

10. Repair rather than replace character-defining elements. Where *character-defining elements* are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new

elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.

11. Conserve the heritage value and *character-defining elements* when creating any new additions to a historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of a historic place will not be impaired if the new work is removed in the future.

Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the restoration period. Where *character-defining elements* are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

Summarizing the Standards:

- Respect and conserve heritage value;
- Respect authenticity;
- Minimize change;
- Adhere to the hierarchy of interventions: Maintain, conserve; repair and lastly replace. Repair and replace must be based on industry recognized best practices;
- Undertake an evaluation/condition assessment to determine if change is necessary;
- Before repair or replacement occurs: protect the character-defining element – aka the heritage attribute; stabilize it; and, mitigate damage and loss of information;
- Determine the gentlest change possible;
- Make changes compatible, distinguishable and reversible;
- Document changes made.

Schedule 8 – Summary of Proposed Alterations

Please provide a brief, clear and concise description of the alteration(s) being proposed to the St. Jude’s Cemetery cultural heritage landscape.

Schedule 9 – Heritage Guidelines Checklist

The checklist set out below addresses key input to the Town in relation to an application to the Town under section 33 of the *Ontario Heritage Act* for the St. Jude’s Cemetery property. Based on the cultural heritage landscape conservation plan for this property, this checklist requires information on whether and how the proposed Category ‘B’ or ‘C’ alteration affects the heritage attributes of St. Jude’s Cemetery, as set out in Schedule 1, heritage designation By-law2020-141.

The checklist set out below integrates key aspects of the St. Jude’s Cemetery property cultural heritage landscape conservation plan, as follows:

- 1) It incorporates all identified heritage attributes, as set out in Schedule 1, heritage designation By-law 2020-141, and the most relevant Parks Canada Standard(s);
- 2) It considers whether and how the proposed alteration affects the attributes;
- 3) It considers whether and how the proposed alteration affects the cultural heritage landscape as a whole and the individual conservation areas; and
- 4) It gives priority to preservation over rehabilitation and/or restoration.

For some heritage attributes, reference has been made to *Landscape of Memories: A Guide for Conserving Historic Cemeteries, Repairing Tombstones*. This document was published by the Province of Ontario’s Ministry of Citizenship, Culture and Recreation in 2003 and provides detailed guidelines on the conservation and repair of historic monuments and markers. This guide should be used as the primary manual by the Town and by heritage consultants for the conservation and repair of the historic monuments and markers in St. Jude’s Cemetery.

For each heritage attributes listed in the checklist, an answer is required for two important questions: Is the Standard relevant to the proposed alteration; and if relevant, is the proposed alteration consistent with the Standard? Columns four and five in this checklist addresses these questions and allow for three possible responses: Yes (Y), No (N), or Not Applicable (N/A).

Every applicant for a Category ‘B’ or ‘C’ alteration is required to complete this checklist as part of its submission to the Town. Town heritage review of an application for a Category ‘B’ or ‘C’ alteration will include a staff review of the Heritage Guidelines Checklist, as completed and submitted by the applicant, in order ensure that the proposed alteration is consistent with the applicable Standard. If the Town review accepts the entirety of the submitted checklist, it may be included in the Town decision. Should the Town review result in different answers to checklist questions, Town staff will complete a new Heritage Guidelines Checklist that reflects the Town considerations.

Conservation: Preservation, Rehabilitation and Restoration guidelines				
Heritage Attribute	Relevant Parks Canada Standards	Summary of Parks Canada's <i>Standards and Guidelines</i>	Relevant	Consistent
1. Its defined geographical area which has been modified by human activity.	1, 2, 3	Conserve the boundaries of the property and the overall topography by minimizing physical change to the defined geographical area.		
2. Its placement in a prominent location along Lakeshore Road with proximity to Lake Ontario and downtown Oakville.	1, 3	Conserve the prominent location of the cemetery and its connection to Lakeshore Road by retaining the cemetery in its current location.		
3. The relationship between the property's topography, natural elements and hardscaping features, including its variety of monuments, markers, and structures.	1, 2, 3	Conserve the existing relationship between the various natural and human-made elements of the cemetery which are representative of the rural cemetery style.		
4. The location and orientation of the monuments and markers.	1, 2, 3, 7, 8, 9	Conserve the monuments and markers in their current location and retain their current placement and orientation. Use <i>Landscape of Memories</i> as a guide for the conservation and repairs of these elements.		
5. The range of size and sophistication of the monuments and markers, from modest to elaborate.	1, 2, 3, 7, 8, 9	Conserve the physical elements of the monuments and markers which demonstrate the wide range of size and sophistication represented in the cemetery. Use <i>Landscape of Memories</i> as a guide for the conservation and repairs of these elements.		

Conservation: Preservation, Rehabilitation and Restoration guidelines				
Heritage Attribute	Relevant Parks Canada Standards	Summary of Parks Canada's <i>Standards and Guidelines</i>	Relevant	Consistent
6. The variety of styles, materials and symbolism represented in the monuments and markers.	1, 2, 3, 7, 8, 9	Conserve the physical elements of the monuments and markers which demonstrate the wide variety of styles, materials and symbolism represented in the cemetery. Use <i>Landscape of Memories</i> as a guide for the conservation and repairs of these elements.		
7. The shape and form of the monuments and markers, including decorative elements.	1, 2, 3, 7, 8, 9	Conserve the shape and form of the monuments and markers, including decorative elements. Use <i>Landscape of Memories</i> as a guide for the conservation and repairs of these elements.		
8. The surviving inscriptions of the monuments and markers.	1, 2, 3, 7, 8, 9	Conserve the surviving inscriptions on the monuments and markers. Use <i>Landscape of Memories</i> as a guide for the conservation and repairs of these elements.		
9. The various construction methods and techniques of the monuments and markers.	1, 2, 3, 7, 8, 9	Conserve the physical elements of the monuments and markers which demonstrate the various construction methods and techniques used in their production. Use <i>Landscape of Memories</i> as a guide for the conservation and repairs of these elements.		
10. The fencing associated with the monuments and markers, specifically around family plots.	1, 2, 3, 7, 8, 9	Conserve the fencing associated with monuments and markers. Use <i>Landscape of Memories</i> as a guide for the conservation and repairs of these elements.		
11. The views and vistas within the cemetery and towards Lakeshore Road.	1, 3	Conserve the cemetery's views and vistas identified in section 2.3 of this Conservation Plan. Do not introduce <i>structures</i> or plantings to the property which will negatively impact its views and vistas.		

Conservation: Preservation, Rehabilitation and Restoration guidelines				
Heritage Attribute	Relevant Parks Canada Standards	Summary of Parks Canada's <i>Standards and Guidelines</i>	Relevant	Consistent
12. The placement and variety of mature trees, shrubs and other vegetation.	1, 2, 3, 7, 9	Conserve the existing placement of trees, shrubs and other vegetation in the cemetery. Continue to use a variety of trees, shrubs and other vegetation when planting new species in the cemetery. Where the conservation of existing trees and vegetation has a potential negative impact on other heritage attributes in the cemetery, determine the gentlest change possible that protects as many heritage attributes as possible.		
13. The mature trees and vegetation, which include white pines, spruce, black locust, black cherry, beech, red oak, cedar, walnut, elm, lilac and yew.	1, 2, 3, 7, 9	Conserve the cemetery's mature trees and vegetation where possible. Where the conservation of existing trees and vegetation has a potential negative impact on other heritage attributes in the cemetery, determine the gentlest change possible that protects as many heritage attributes as possible.		
14. The driveways and pathways.	1, 2, 3, 7, 8, 9	Conserve the general location of the driveways and pathways throughout the cemetery.		
15. The park-like setting.	1, 3	Conserve the elements of the cemetery which contribute to its park-like setting. These include its topography, open space and mature vegetation.		

Schedule 10 – Heritage Values Checklist

The checklist set out below addresses key input to the Town in relation to an application to the Town under section 33 of the *Ontario Heritage Act* for the St. Jude’s Cemetery property. Based on the cultural heritage landscape conservation plan for this property, this checklist requires information on whether and how the proposed Category ‘B’ or ‘C’ alteration affects the cultural heritage value or interest of St. Jude’s Cemetery, as set out in Schedule 1, heritage designation By-law 2020-141.

The checklist demands an answer to the question whether the proposed alteration will have a positive effect, a negative effect or no effect on St. Jude’s Cemetery’s cultural heritage value or interest. The third column in this checklist addresses the “Type of effect.” There are three possible responses: Positive (P), Negative (N), or No Effect (Nil).

Every applicant for a Category ‘B’ or ‘C’ alteration is required to complete this checklist as part of its submission to the Town. It comprises a comprehensive list of heritage values, identifying every heritage attribute related to each. In some cases heritage attributes are related to multiple heritage values. Town heritage review of an application for a Category ‘B’ or ‘C’ alteration will include a staff review of the Heritage Values Checklist, as completed and submitted by the applicant, in order to ensure that the proposed alteration is consistent with the applicable Parks Canada Standards. If the Town review accepts the entirety of the submitted checklist, it may be included in the Town decision. Should the Town review result in different answers to checklist questions, Town staff should complete a new checklist that reflects the Town considerations.

Value	Related attribute(s)	Type of Effect
<p>1. The St. Jude’s Cemetery Cultural Heritage Landscape has design/physical value as a representative example of a designed 19th century church cemetery influenced by the rural cemetery style:</p> <ul style="list-style-type: none"> • It contains a variety of grave markers and monuments which document the many changes in burial practices from the 19th to 21st centuries. • It contains landscape features which contribute to its tranquil, scenic setting. 	<p>a) Its defined geographical area which has been modified by human activity.</p> <p>b) The relationship between the property’s topography, natural elements and hardscaping features, including its variety of monuments, markers and structures.</p> <p>c) The location and orientation of the monuments and markers.</p>	
	<p>d) The range of size and sophistication of the monuments and markers, from modest to elaborate.</p> <p>e) The variety of styles, materials and symbolism represented in the monuments and markers.</p> <p>f) The shape and form of the monuments and markers, including decorative elements.</p>	
	<p>g) The surviving inscriptions of the monuments and markers.</p>	
	<p>h) The various construction methods and techniques of the monuments and markers.</p>	
	<p>i) The fencing associated with the monuments and markers, specifically around family plots.</p>	
	<p>j) The views and vistas within the cemetery and between Lakeshore Road and the cemetery, including:</p> <ul style="list-style-type: none"> • View 1 – View from along Lakeshore Road just east of the westerly entrance, 	

Value	Related attribute(s)	Type of Effect
	<p>looking southwest towards the oldest part of the cemetery, including 'Cleopatra's Needle'.</p> <ul style="list-style-type: none"> • View 2 – View from along Lakeshore Road at the westerly entrance, looking south along the driveway towards the retaining walls and small hill. • View 3 – View from the driveway just to the south of the retaining walls, looking southeast towards the oldest part of the cemetery and the mature white pine trees. • View 4 – Views from the driveway just to the south of the retaining walls, looking south down the driveway towards the oldest part of the cemetery. • View 5 – View from the bend in the driveway in the oldest part of the cemetery looking north towards the westerly entrance along Lakeshore Road. <p>k) The placement and variety of mature trees, shrubs and other vegetation.</p>	
	<p>l) Mature trees and vegetation, which include white pines, spruce, black locust, black cherry, beech, red oak, cedar, walnut, elm, lilac and yew.</p> <p>m) The driveways and pathways.</p>	

Value	Related attribute(s)	Type of Effect
	n) The park-like setting.	
Comments		
<p>2. The St. Jude's Cemetery Cultural Heritage Landscape has design/physical value for its high degree of craftsmanship and artistic merit:</p> <ul style="list-style-type: none"> Many of the grave markers and monuments display a high degree of craftsmanship in their construction. 	a) The range of size and sophistication of the monuments and markers, from modest to elaborate.	
	b) The variety of styles, materials and symbolism represented.	
	c) The shape and form of the monuments and markers, including decorative elements.	
	d) The various construction methods and techniques of the monuments and markers.	
Comments		
<p>3. The St. Jude's Cemetery Cultural Heritage Landscape has historical/associative value for its direct associations with:</p> <ul style="list-style-type: none"> St. Jude's Anglican Church, one of the first religious institutions established by European settlers in Oakville; The early settlement of Oakville and the development of the town throughout the 19th, 20th and 21st centuries; and The theme of burial practices in Ontario, as well as religious, spiritual and social beliefs surrounding death and the afterlife. 	a) Its defined geographical area which has been modified by human activity.	
	b) Its placement in a prominent location along Lakeshore Road with proximity to Lake Ontario and downtown Oakville.	
	c) The location and orientation of the monuments and markers.	
	d) The range of size and sophistication of the monuments and markers, from modest to elaborate.	

Value	Related attribute(s)	Type of Effect
<p><i>Comments</i></p>	e) The variety of styles, materials and symbolism represented in the monuments and markers.	
	f) The shape and form of the monuments and markers, including decorative elements.	
	g) The surviving inscriptions of the monuments and markers.	
<p>4. The St. Jude’s Cemetery Cultural Heritage Landscape has historical/associative value because it yields, or has the potential to yield, information that contributes to an understanding of Oakville’s early settler community:</p> <ul style="list-style-type: none"> The monuments and markers provide significant information about Oakville’s early settlers that might not otherwise be known. <p><i>Comments</i></p>	<p>a) The range of size and sophistication of the monuments and markers, from modest to elaborate.</p> <p>b) The variety of styles, materials and symbolism represented in the monuments and markers.</p>	
c) The shape and form of the monuments and markers, including decorative elements.		
d) The surviving inscriptions of the monuments and markers.		
<p>5. The St. Jude’s Cemetery Cultural Heritage Landscape has contextual value because it is important in defining, maintaining and supporting the character of the local area.</p> <ul style="list-style-type: none"> The cemetery has a prominent location along Lakeshore Road, a significant and historic road along Lakeshore Road. The property helps to define, maintain and support the scenic character of this road. 	a) Its defined geographical area which has been modified by human activity.	
b) Its placement in a prominent location along Lakeshore Road with proximity to Lake Ontario and downtown Oakville.		

Value	Related attribute(s)	Type of Effect
<p><i>Comments</i></p>	<p>c) The views and vistas between Lakeshore Road and the cemetery, including:</p> <ul style="list-style-type: none"> • View 1 – View from along Lakeshore Road just east of the westerly entrance, looking southwest towards the oldest part of the cemetery, including ‘Cleopatra’s Needle’. • View 2 – View from along Lakeshore Road at the westerly entrance, looking south along the driveway towards the retaining walls and small hill. 	
<p>6. The St. Jude’s Cemetery Cultural Heritage Landscape has contextual value because it is physically, functionally, visually and historically linked to its surroundings.</p> <ul style="list-style-type: none"> • The cemetery’s location provides historical context regarding the development of Oakville as it was originally developed on the outskirts of Oakville and has since been surrounded by residential development. • It is linked to its surroundings including Lake Ontario, Lakeshore Road and the former rectory now located at 2 Holyrood Avenue. 	<p>a) Its defined geographical area which has been modified by human activity.</p> <p>b) Its placement in a prominent location along Lakeshore Road with proximity to Lake Ontario and downtown Oakville.</p>	
<p><i>Comments</i></p>		
<p>7. The St. Jude’s Cemetery Cultural Heritage Landscape has contextual value as a landmark within the Town of Oakville.</p>	<p>a) Its placement in a prominent location along Lakeshore Road with proximity to Lake Ontario and downtown Oakville.</p>	

Value	Related attribute(s)	Type of Effect
<ul style="list-style-type: none"> The property is a well-known landmark, easily visible along Lakeshore Road and also from Dorval Drive, which terminates at the cemetery. 	b) The views and vistas within the cemetery and between Lakeshore Road and the cemetery, including: <ul style="list-style-type: none"> View 1 – View from along Lakeshore Road just east of the westerly entrance, looking southwest towards the oldest part of the cemetery, including ‘Cleopatra’s Needle’. View 2 – View from along Lakeshore Road at the westerly entrance, looking south along the driveway towards the retaining walls and small hill. 	
	c) The mature trees and vegetation, which include white pines, spruce, black locus, black cherry, beech, red oak, cedar, walnut, elm, lilac and yew.	
	d) Its park-like setting.	
Comments		
Overall assessment and recommendation		