

**To:** COUNCIL

**Meeting Date:** 12/19/2023

**Subject:** 23-317-CD Notice of Intention to Designate Soper Park under Part IV of the Ontario Heritage Act

**Submitted By:** Joan Jylanne, Manager of Policy Planning

**Prepared By:** Laura Waldie, Senior Planner-Heritage

**Report No.:** 23-317-CD

**File No.:** R01.01.150

**Wards Affected:** Ward 4

### **RECOMMENDATION(S):**

THAT Report 23-317-CD – Notice of Intention to Designate Soper Park under Part IV of the Ontario Heritage Act – be received;

AND THAT Council approve the Statement of Cultural Heritage Value and List of Heritage Attributes, attached as Appendix A to this report;

AND FURTHER THAT Council approves the Clerk to be authorized to publish a Notice of Intention to Designate (NOID) for the property municipally known as 120 Shade Street and 40 Marion Way, in accordance with Part IV of the Ontario Heritage Act for its cultural heritage value.

### **EXECUTIVE SUMMARY:**

#### **Purpose**

This report has been prepared to provide a recommendation to Council in support of the designation of the property municipally known as 120 Shade Street and 40 Marion Way, better known as Soper Park (Figure 1) under Part IV of the Ontario Heritage Act.

#### **Key Findings**

- The property is not currently listed on the City’s Heritage Register.
- In 2021, Ward 4 Councillor, Jan Liggett (now Mayor Jan Liggett), requested that staff undertake an evaluation of Soper Park to determine its eligibility for designation under Part IV of the Ontario Heritage Act.

- Staff have determined the property contains sufficient cultural heritage value to warrant designation under Part IV of the Ontario Heritage Act, satisfying several criteria under Ontario Regulation 9/06 (as amended by 569/22).

### **Financial Implications**

There is no cost to property owners associated with designating a property in Cambridge. The City does provide and pay for the installation of a heritage landmark plaque at a cost of approximately \$500. The City also pays to register the bylaw on title to the property, which costs approximately \$75. As the property owner for Soper Park is the City of Cambridge, the City is exempt from applying for a Designated Heritage Property Grant.

### **STRATEGIC ALIGNMENT:**

Strategic Action

**Objective(s):** Not Applicable

**Strategic Action:** Not Applicable

**OR**

Core Service

**Program:** Community Development

**Core Service:** Heritage Conservation

### **BACKGROUND:**

The subject property is located at 120 Shade Street and 40 Marion Way in Cambridge, Ontario (legal description is PLAN D8 LOT 62 and LOT 63 City of Cambridge). The property begins on the south side of Dundas Street and beside the Galt Arena on Shade Street. It extends across to the north side Dundas Street, where the address changes to Marion Way, and ending at Elgin Street to the north (Figure 1). The property lies east of the Grand River.



Figure 1: Map of Soper Park, City of Cambridge

Soper Park is one of the oldest parks in Cambridge. The property currently is not on the Heritage Register. In 2021, Ward 4 Councillor Jan Liggett, who became Mayor in 2022, requested that heritage planning staff conduct an analysis of Soper Park under O. Reg.

9/06 (as amended by O. Reg 569/22) to determine its eligibility for designation under Part IV of the Ontario Heritage Act.

## **EXISTING POLICY / BY-LAW(S):**

### **Ontario Heritage Act**

**Section 29. (1)** under Part IV of the Ontario Heritage Act provides municipalities in Ontario the ability to designate individual properties shown to have cultural heritage value to the community.

### **Cambridge Official Plan**

**Section 4.6.1** of the Cambridge Official Plan (OP) also states that the City will pass by-laws to designate properties of cultural heritage value.

## **ANALYSIS:**

In 1833, Andrew and Janet Jackson and their two toddler children, Agnes and William, packed up what belongings they could carry and left Paisley, Scotland for a new life in Upper Canada. In the first two decades after the end of the War of 1812, the governments of Upper and Lower Canada embarked on a campaign to improve the infrastructure along the lands bordered with the US to facilitate an increase in emigration from Great Britain. Promises of land grants and new infrastructure assisted to populate the borderlands in an attempt to negate the chances of an American attack on Canada, which was a constant fear of the governments of Upper and Lower Canada until the beginning of the American Civil War in 1861. This fear of invasion from the US was one of the factors that led to the unification of the Canadas in 1840 and the eventual Confederation of Canada in 1867.

The Jacksons arrived in Galt in about 1834 and took possession of land along the Macadamized Road (now called Dundas Street) in what is now East Galt. The Jacksons farmed the land which included a dairy. In 1860, Andrew Jackson passed away at the age of 58, followed a few short months later by Janet at the age of 60. The farm was now the responsibility of their son William, who continued to run the dairy farm into the early 20<sup>th</sup> century.

In 1899, the Town of Galt was looking to create a park that would include an area for swimming. Therefore, the best place to create that park would be along side a natural water course. The Mill Creek area in East Galt was one of the areas the Town Council had listed as a potential park site. But before that could happen, the Town needed to secure the land. The Town officials approached William Jackson about purchasing some of his acreage to create the park. On June 2, 1902, the citizens voted in favour of

the Town spending \$1,600 (the equivalent of about \$52,500 in 2023) to purchase 10 acres of land from Jackson on the south side of Dundas Street to create the park. In appreciation of Jackson selling the Town his land for less than the going rate per acre, the park would be named Jackson Park.

On January 9, 1903, William Jackson's wife of 45 years, Helen, died at the age of 65. Despite William and Helen having 15 children, only two daughters and one son lived past the age of 30. Son Robert Jackson became a machinist in Kitchener and did not take over the farmstead. Therefore, after farming alone for several months after Helen's passing, William approached the Town and offered them first rights to purchase his remaining 42 acres as he was looking to retire. The Town agreed, though it is unknown whether there was another vote regarding the purchase or what the offer price was. Jackson Park was then increased to take in Jackson's lands on the north side of Dundas to Elgin Street.

Jackson left his dairy farm and retired to Kitchener to live with his son Robert. William Jackson passed away on July 31, 1921 in Kitchener at the age of 92. He was buried three days later at Mountview Cemetery in Galt.

In 1905, the Galt Parks Commission was formed, and Jackson Park was one of the first Town assets it acquired. Prior to the lands on the north side of Dundas being acquired by the Town, Jackson allowed the lands to be used by travelling circuses that usually came to the area every summer. The land was low lying with rocky soil solid enough to support the circus' various tents and Mill Creek provided ample water for the circus animals. However, the Town wanted to make improvements to the land to provide the best experience for its residents and visitors. In the spring of 1905, the Parks Commission retained landscape architect Frederick Todd to turn the farmland into a park oasis.

Originally from Concord, New Hampshire and educated in landscape architecture at Amherst College, Massachusetts, Todd relocated to Canada in 1900 where he became renowned as Canada's first landscape architect with projects completed from British Columbia to Newfoundland. Todd's recommendations for Jackson Park included keeping the park as natural as possible in most areas by planting numerous native species trees and shrubs. Todd also recommended that flower beds not be planted as they needed to be maintained from year to year whereas trees and shrubs required less maintenance. However, for the north end of the park, Todd recommended against naturalization. The north end near Elgin Street was swampy and was not an inviting area for walks. Here, Todd recommended that the creek channels be deepened and reinforced with boulders. Two pavilions and a system of carriage driveways and walkways through the park were also planned as part of Todd's improvements. One of the pavilions was to be erected near the entrance to the park at Shade St. while the

other was to be built in the north part of the park on the terrace overlooking the Mill Creek pond. The Shade Street pavilion was built; however, available research at the City Archives suggests that the north pavilion was never constructed. The Shade Street pavilion disappeared by the 1960s.

Todd's plans also discussed the need to address the conservation of the stone bridge over Mill Creek. Todd describes this stone bridge in his recommendation report as one of the most artistic and picturesque bridges he had ever seen in Canada. He said conservation efforts should be carefully undertaken on the bridge and should be done before other park work commenced. The construction date of the stone bridge over Mill Creek (Figure 2) is not known for certain. It shows up on the maps of Galt as early as 1851. There is also a smaller stone bridge a few metres east of the Mill Creek bridge that appears to be as old (Figure 3).



Figure 2: Stone arch over the Mill Creek, 2023



Figure 3: Small stone arch beneath Dundas Street, 2023

It is feasible to assume that both bridges existed in the mid-1830's when the macadamized toll-road from Dundas to Waterloo County was built by provincial authorities in 1837 (Figure 4). However, they may have existed earlier as there was a dirt road here prior to this. James Young, in his "Reminiscences of Early Galt" mentions the burial of four men killed in the cholera epidemic "in one grave near the eastern end of the stone bridge on the macadamized road (Dundas St.)". The cholera outbreak occurred in Galt in 1834. Young did not mention which bridge he was referring to, but Heritage Planning staff are of the opinion the graves would have been placed near the smaller of the two tunnels because the Mill Creek was a wider watercourse in the early 19<sup>th</sup> century than it appears today, making burials beside the tunnel difficult if not impossible to do.

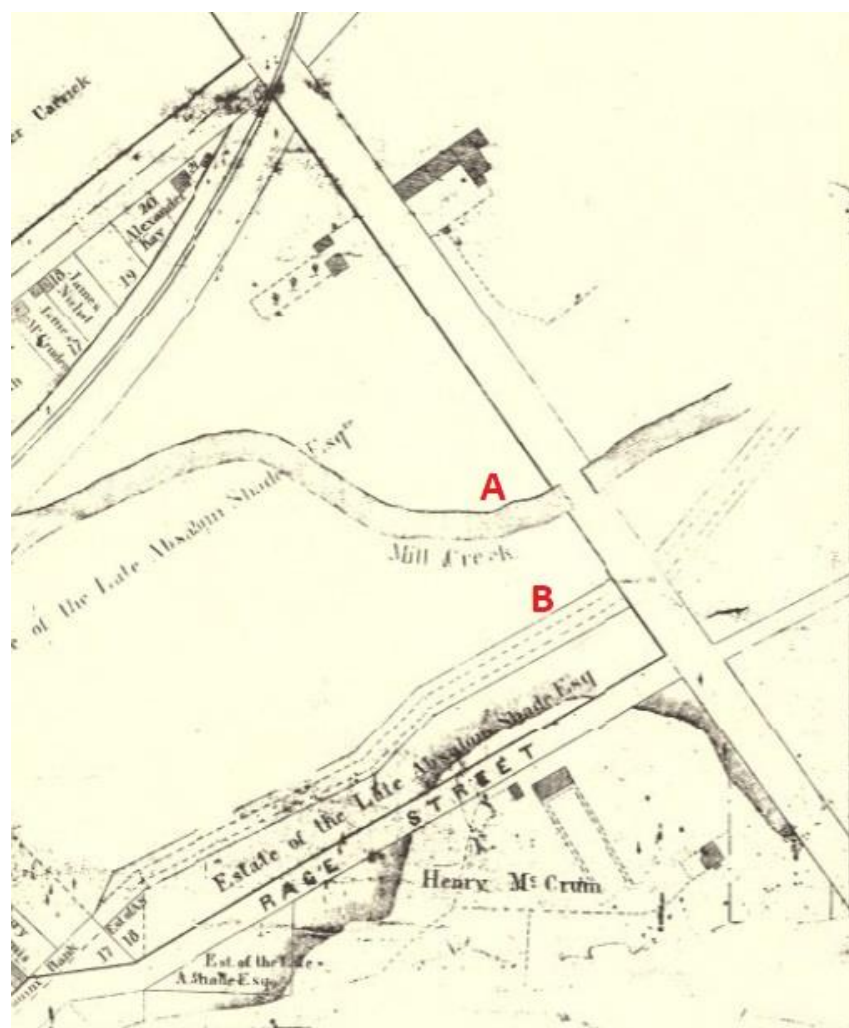


Figure 4. Close up of Soper Park lands from the 1867 Map of Galt. A denotes the location of the stone arch over Mill Creek whereas B represents the location of the small stone arch. The Mill Creek and a foot path are both shown running beneath Dundas Street.

The Town of Galt began to enact some of Todd's recommendations by the spring of 1906, which included a substantial tree planting program through the north side of the park. An economic downturn in Canada in the early 1910s, the onset of the Great War, the Spanish Flu epidemic of 1918-19 and a lack of funding to continue with Todd's recommendations, stalled the park transformation plans for several years. Some of Galt's citizens were growing increasingly upset with Town officials for having spent money to purchase the land and hiring Todd, but showing no progress in transforming the farmland into a park. One resident, Dr. Augustus Soper, a physician who lived across from Jackson Park where the Gore Mutual Building is now located, would write regular opinion letters to the Galt Reporter newspaper complaining that "members of the Parks Board are too much engrossed with their private affairs to talk the Jackson Park matter over." Soper went on to propose a challenge to Town officials as well as citizens in the October 1, 1920 edition of the Galt Reporter: "If the citizens of Galt will contribute \$40,000, I will donate \$10,000...The \$40,000 may be raised by subscription, in sums of \$5.00 up; or by debentures; it matters not to the writer, providing it is raised this year." The Town of Galt took Soper up on his offer and also accepted his proposal to scrap Frederick Todd's recommendations and reinforce the Mill Creek sides with armour stone, add flower gardens including a peony garden and formal walking paths through the park. Soper also recommended keeping the ship anchor that was located in the park at this time. The anchor has rested in the same location since at least the creation of the park in 1904 (Figure 5).



Figure 5: The anchor located in Jackson Park c. 1920



There is no known recorded history of the anchor located in the park. It is not known if it was relocated there right after the park was created or if it had existed prior to Jackson selling the land to the Town of Galt. It seems unlikely that Jackson would have placed it here. The likely scenario is that it was placed here as an object of interest for park visitors. Ship anchors were common features in private gardens of the 19<sup>th</sup> century as well as in some parks that had a connection to shipping. It is possible that someone donated the object to the Town to display in Jackson Park.

For Soper's donation, the park was renamed Soper Park in December 1920 (Figure 6). Additionally, the road that went through the park from Dundas to Elgin Streets, was named Marion Way in honour of Soper's wife. Soper went on to promote the importance of visiting parks for exercise to his patients, especially children, whom he believed needed a clean air space with many lawns and walking paths to play upon.



Figure 6: Historic Photo of Dr. Augustus Soper c. 1880

He and Marion continued to live across from the park for a few more years. Marion was the daughter of Galt pioneer Henry McCrum. McCrum, as a wedding gift to Marion and Augustus Soper, built a house for the couple on land he owned across from the Jackson farm in 1873. The Sopers lived here until Marion's passing in 1925. The Sopers had one daughter, Ida. Ida and her husband, Cecil Simpson, moved in with Soper after Marion's passing. Soper passed away in October 1928. The Simpsons continued to live here until they sold the property to the Gore Mutual Fire Insurance Company in 1934. The Soper house was demolished shortly after, and the current Gore Mutual building began construction in 1935 and was completed in early 1936.

Several improvements were made over the years to Soper Park including the addition of splash pads and swimming areas in Mill Creek. The most extensive improvements to the park since 1920 took place in 1994. The park was returned to a more naturalized state with the removal of the armour stone blocks along the creek's edge, extension of the walking paths, more tree plantings, the removal of the peony gardens and a reconfiguration of the entrance off Dundas onto Marion Way. From 2020-2022, Dundas Street underwent a road reconstruction project that had the infrastructure replaced and a new turn left lane added in front of the park.

### **Evaluation of the Property under Ontario Regulation 9/06 (as amended by 569/22)**

Heritage Planning staff are of the opinion that the property warrants designation based on it satisfying eight (8) of the nine (9) criteria contained in Ontario Regulation 9/06 (as amended by 569/22). According to a suite of changes introduced to the Ontario Heritage Act through the More Homes Built Faster Act, 2022, properties must meet at least two (2) of nine (9) criteria under Ontario Regulation 9/06 (amended by 569/22) to be considered for designation.

#### **1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.**

**YES** – The park dates to 1905 and its naturalization improvements undertaken in 1993 returned the park back to the vision Frederick Todd and the Town of Galt envisioned for the park. Marion Way, and the walking paths have changed little since the 1920s.

#### **2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.**

**YES** – The property contains two picturesque stone arches underneath Dundas Street which display a high degree of craftsmanship and artistic merit and are considered unusual, rare and outstanding from this period.

**4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.**

**YES** – The property is associated with important local figures including William Jackson, Frederick Todd and Dr. Augustus Soper. The grounds are indicative of the agricultural roots of Cambridge which make it an important cultural heritage resource to the community.

**5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.**

**YES** – The property documents well in local historical sources about how the park developed in the 1920s. This information leads to a greater understanding of the community.

**6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.**

**YES** – The property is known for its design elements associated with Canada's first landscape architect, Frederick G. Todd.

**7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.**

**YES** – The property maintains and supports the parklike character of the area since 1905.

**8. The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.**

**YES** – The property is visually and historically linked to its surroundings by being a park property.

**9. The property has contextual value because it is a landmark.**

**YES** – The property terminates views from Shade Street, Elgin Street and Marion Way and is considered to be known to the community as an important landmark.

### **Cultural Heritage Attributes**

The following is a sample of the key heritage attributes that embody the heritage value of Soper Park. The full list is found in Appendix 1.

- Original stone pillars and date plaques located at the entrance to Marion Way off Dundas Street;
- Width, length and direction of Marion Way;
- Paved pathways throughout the park;
- Both original stone bridges under Dundas Street;
- The ship anchor located in the park; and
- The association to William Jackson, Frederick Todd and Dr. Augustus Soper.

### **FINANCIAL IMPACT:**

There is no cost to property owners associated with designating a property in Cambridge. The City does provide and pay for the installation of a heritage landmark plaque at a cost of approximately \$500. The City also pays to register the bylaw on title to the property, which costs approximately \$75. As the property owner for Soper Park is the City of Cambridge, the City is exempt from applying for a Designated Heritage Property Grant.

### **PUBLIC VALUE:**

#### **Sustainability**

The City of Cambridge supports sustainability by encouraging adaptive reuse of heritage properties wherever possible.

#### **Transparency:**

The Council agenda is posted on the City's website as part of the reporting process.

### **ADVISORY COMMITTEE INPUT:**

Staff consulted with the Municipal Heritage Advisory Committee on November 16, 2023 through report 23-025(MHAC) and the Committee provided the following recommendations to Council:

THAT Report 23-025(MHAC) - Recommendation to Designate the Property located at 120 Shade Street and 40 Marion Way (Soper Park) under Part IV of the Ontario Heritage Act – be received;

AND THAT the Municipal Heritage Advisory Committee (MHAC) advise that Council approve the recommendation to designate the property municipally known as 120 Shade Street and 40 Marion Way (Soper Park) under Part IV of the Ontario Heritage Act;

AND FURTHER THAT the Municipal Heritage Advisory Committee (MHAC) recommend to Council that the Clerk be authorized to publish a Notice of Intention to Designate

(NOID) for the property municipally known as 120 Shade Street and 40 Marion Way (Soper Park) in accordance with Section 29 of the Ontario Heritage Act for its cultural heritage value.

**PUBLIC INPUT:**

Municipal Heritage Advisory Committee meetings are open to the public. No one from the public spoke to this agenda item.

**INTERNAL / EXTERNAL CONSULTATION:**

Heritage Planning staff have liaised with staff in Realty Services, Parks and Facilities Management regarding the Mayor's request for designation of Soper Park.

**CONCLUSION:**

For the reasons outlined in report 23-317-CD, heritage planning staff and the Municipal Heritage Advisory Committee recommend that Council approve the owner's request to designate the property at 120 Shade Street and 40 Marion Way under Part IV of the Ontario Heritage Act for its architectural, historical and contextual value.

**REPORT IMPACTS:**

Agreement: **No**

By-law: **No**

Budget Amendment: **No**

Policy: **No**

**APPROVALS:**

**This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:**

**Director**

**Deputy City Manager**

**Chief Financial Officer**

**City Solicitor**

**City Manager**

**ATTACHMENTS:**

1. 23-317-CD Appendix A – Statement of Cultural Heritage Significance