

March 19, 2021

Dr. Crystal Forrest,
Registrar, Burial Sites (Acting)
Consumer Services Operations Division
Ministry of Government and Consumer Services
56 Wellesley Street West, 16th Floor
Toronto, Ontario
M7A 1C1

To Dr. Crystal Forrest,

This letter is in response to the proposal under the *Funeral, Burial and Cremation Services Act, 2002* (Ontario) O. Reg. 30/11, s. 172 (1) by Sansiveria Investments Limited (hereafter the “Applicant”), to close the historic Johnson (Johnston) Cemetery located in Pefferlaw, Ontario. The Ontario Historical Society is opposed to the closure of the Johnson Cemetery and argues that closure is not in the public interest. The original choice of the Johnson family to select this particular location for burial should be respected, and the historical integrity of the site maintained. Furthermore, the Applicant has not expressed any compelling reason to close the cemetery.

The Ontario Historical Society (hereafter the “OHS”), founded in 1888 is a not-for-profit corporation and registered charity bringing together people of all ages, all walks of life, and all cultural backgrounds interested in preserving and promoting Ontario’s history. The OHS has a provincial mandate and supports a vast membership network of individuals, organizations, and institutions. In January 2021, the OHS assembled a committee to consider the proposed closure of the Johnson Cemetery and removal of burials to Cooke’s Cemetery. The Committee’s members are well versed in provincial and local heritage matters and include two members previously recognized in Provincial Tribunals as experts in genealogy, cemeteries, and family histories.

To begin, the OHS would like to address the three arguments put forth by Sansiveria Investments Limited to support their request to close the Johnson (Johnston) Cemetery:

1. “The cemetery has been little used in the more than 100 years from the first burial in 1860 until the last one in 1969.”

Those interred in the Johnson cemetery include some of the earliest settlers in Pefferlaw. These include members of Robert Johnson’s family, on whose property the cemetery was once located. Robert Johnson was born c. 1791 in Chirnside Berwick, Scotland. He arrived in Canada in the early 1820s to help his brother William build mills in Pefferlaw, as well as operate a general store on what is today Pefferlaw’s main street. He received his land grant in 1834 (Lot 22, Con. 5) in Georgina Township. In 1860, Robert’s son William died, and Robert selected a small piece of land located on a corner of his farm property to bury his son. It was here, in the cemetery on his own land, where Robert was buried when he died in 1870. Other members of the family interred in this cemetery are: Ann Johnston Noble (1830-1925), Henry Harrison (1843-1929), Elizabeth Johnston Harrison (1840-1930), Jean Johnston Veale (1834-1917),

John Johnston (1841-1930), Robert Harrison (1868-1868), William Harrison (1869-1940), George Harrison (1870-1870), Nelly Harrison (1875-1969), Harry Harrison (1872-1872). There is a strong possibility that additional family members are buried here, but markers have either sunk or no longer exist.

2. "A move to Cooke's Cemetery will achieve a more respectful resting place for those of the Johnston family buried in the current location of the Johnston Cemetery."

The Applicant cannot speak on behalf of those interred in the Johnson Cemetery by suggesting they would wish to be interred anywhere other than where they are located. The cemetery represents the choice of their family to have the deceased buried on their land. The Johnson family chose this spot, and it represented something meaningful to them. Retaining the original site of the burials is required to show respect for the original choice of the Johnson family in choosing this spot. There is also historical value in retaining the cemetery in its original location. As Dorothy Duncan, former Executive Director of the OHS and provincially-recognized expert in cemeteries, once testified at a previous Provincial Tribunal, "A relocated cemetery becomes an artifact rather than an original historical resource." The Johnson Cemetery is physically and historically linked to its location as it was once part of Robert Johnson's property. Closing the cemetery would destroy both the historical context and associated historical characteristics of the site. There is historical integrity in the monuments as a group, which could not be duplicated by moving the monuments to a larger cemetery where they would be lost amongst other monuments in a much larger space. It is always in the public interest to leave a heritage resource *in situ*. The historical authenticity of the cemetery would be destroyed if it were closed and the burials removed to Cooke's Cemetery. The Johnson Cemetery has survived for over 160 years on this location and should be allowed to remain where it is.

3. "A move will enable the Property to be better and more fully used as part of the normal commercial development of the Town."

The Johnson Cemetery was not an unknown cemetery and it is registered with the province of Ontario (License # CM-04761). It has clearly marked graves with prominent, well maintained markers, and the property is enclosed with an ornate iron fence, also of historical significance (believed to be the work of William R. Griffith, a famous local blacksmith). The owner purchased this property with the knowledge that there was a cemetery located on it and accepted a business risk in doing so. The total size of the cemetery is small, measuring 6.33 meters wide by 14.83 meters long for a total of 93.82 m². The cemetery has little impact on its neighbours, and any planning for the development of the property could easily incorporate the cemetery. The private commercial interests of the property owner to develop the property is not a compelling enough reason to close the cemetery and disturb the burials.

Additionally, as one of the oldest cemeteries in Georgina Township, the importance of the Johnson Cemetery to the historical landscape of the community cannot be discounted. On March 3, 2021, Georgina Town Council unanimously agreed to move forward with the heritage designation of the Johnson Cemetery, as it meets the criteria for heritage designation under Part IV of the *Ontario Heritage Act*, specifically items 2i, ii, and iii and 3i, ii, and iii as outlined in the *Disposition; Georgina Heritage Advisory Committee (GHAC) Johnston (Johnson) Cemetery Designation Report* (Re: Resolution No. GHAC 2021-0005). The Johnson Cemetery is important because as a landmark it has contextual

value by being physically, visually, and historically linked to its surroundings, and it has historical value because of its direct association with a person that is significant to the community. The cemetery yields information that contributes to an understanding of the community it exists in. Within the *Funeral, Burials and Cremation Services Act (2002 SO 2002 c.33)* provision is made for the registrar to order a cemetery to be closed if the closing is in the public interest (2002, c. 33, s. 88 (6)). Previous Provincial Tribunals examining public interest and cemeteries have considered safety to the public as an element of public interest. In the case of the Johnson Cemetery there is no obvious risk to public safety. The entire cemetery is also enclosed with a wrought iron fence that offers protection not only to the cemetery, but to the general public as well.

Our society places intrinsic value on cemeteries both culturally and symbolically. As places of collective memory, cemeteries reinforce community identity, strengthen feelings of attachment and belonging, and encourage the sharing of knowledge of the past. They are places people engage in public activity in and learn about the past. The Johnson family's decision to choose this spot for their burials should be respected by leaving the cemetery in place. The private interests of the property owner should not be considered more important than the public interest. In the opinion of the OHS, the Applicant has not provided a compelling reason to legally close and relocate the historic Johnson (Johnston) Cemetery, and the application to close the cemetery should be denied.

Sincerely,

A handwritten signature in cursive script that reads "Laura Suchan".

Laura Suchan, Co-Chair
Preservation and Cemeteries Committee
Ontario Historical Society