Bill No. D-64

The Corporation of the City of Hamilton

BY-LAW NO. 89-176

To Designate:

LAND LOCATED AT MUNICIPAL NO. 256 MACNAB STREET NORTH

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1980, Chapter 337;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(1)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 256 MacNab Street North and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,

(i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;

(ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this 30th day of May A.D. 1989.

City Clerk Mayor

(1989) 7 R.P.D.C. 10, March 14

SCHEDULE "A"

To

By-law No. 89-

256 MacNab Street North,
Hamilton, Ontario

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth (formerly County of Wentworth) in the Province of Ontario being composed of part of lot number ten (10) and part of lot number eleven (11) in Block Number Two (2) according to a subdivision known as Sir Allan MacNab Survey, the plan thereof registered in the Registry Office for the Registry Division of Wentworth, as Number 127, the said parcel of land being in the block bounded by MacNab, Murray, James and Barton Streets, in the said City of Hamilton, and may be more particularly described as follows, that is to say:-

COMMENCING at an iron bar planted in the eastern limit of MacNab Street, where it is intersected by the production westerly of the centre line of the wall between the semi-detached brick dwelling erected upon the herein described parcel of land and known as Municipal Number 256 MacNab Street North, and the semi-detached brick dwelling erected upon the lands adjoining the herein described parcel of land on the south and known as Municipal Number 254 MacNab Street North, the said iron bar being distant thirty-six and ninety-four one-hundredths feet (36.94') measured northerly along the eastern limit of MacNab Street, from the southwestern corner of the said lot number ten (10).

THENCE northerly along the eastern limit of MacNab Street twenty-eight and thirteen one-hundredths feet (28.13') more or less to a point of intersection with the production westerly of the southerly face of the wall between the said semi-detached brick dwelling erected upon the herein described parcel of land and the semi-detached brick dwelling erected upon the lands adjoining the herein described parcel of land on the north and known as Municipal Number 258 MacNab Street North, the said wall being, also the northern wall of a covered passageway, the said point of intersection being distant four and fifty-seven one-hundredths feet (4.57') measured northerly along the eastern limit of MacNab Street from the division line between the aforesaid lots numbers ten (10) and eleven (11).

THENCE easterly to and along the southern face of the last mentioned wall and the production of the line thereof easterly one hundred and twenty and forty-six one hundredths feet (120.46') more or less to a point in the eastern limit of the aforesaid lot number eleven (11), the said point being distant, three and eight one-hundredths feet (3.80') measured northerly along the eastern limit of the aforesaid lot number eleven (11) from the division line between the aforesaid lots numbers ten (10) and eleven (11).

THENCE southerly along the eastern limits of the aforesaid lots numbers eleven (11) and ten (10) thirty and five one-hundredths feet (30.05') more or less to an iron bar planted distant thirty-four and seventeen one-hundredths feet (34.17') measured northerly along the eastern limit of the aforesaid lot number ten (10) from the southeastern corner thereof.

THENCE westerly in a straight line fifty and twenty-five one-hundredths feet (50.25') more or less to a point in the eastern face of the eastern wall of a frame erected in the rear of the aforesaid semi-detached brick dwellings known as Municipal Numbers 254 and 256 MacNab Street North, the said point of intersection being the centre line of the aforesaid wall between the last mentioned dwellings, and is distant thirty-five and sixty-three one-hundredths feet (35.63') measured northerly parallel with the eastern limit of MacNab Street from the southern limit of the aforesaid lot numbr ten (10).

THENCE westerly along the centre line of the aforesaid wall between the semi-detached brick dwellings known as Municipal Numbers 254 and 256 MacNab Street North, and the production of the line thereof westerly seventy and twenty-five one-hundredths feet (70.25') more or less to the point of commencement.

ON THE ABOVE-DESCRIBED parcel of land is erected a semi-detached brick dwelling known as Municipal Number 256 MacNab Street North.

TOGETHER with the right in common with the owners, tenants and occupants of the remaining portions of lots number ten (10) and eleven (11) to pass over, along and upon and use as a right-of-way part of lot number ten (10) according to the hereinbefore mentioned subdivision known as Sir Allan MacNab Survey, registered plan number 127, and which right-of-way may be more particularly described as follows, that is to say:-

COMMENCING at an iron bar planted at the southeastern corner of the hereinbefore described parcel of land, being a point in the eastern limit of the said lot number ten (10) distant thirty-four and seventeen one-hundredths feet (34.17') measured northerly from the southeastern corner thereof.

THENCE westerly along the southern limit of the hereinbefore described parcel of land fifteen feet (15.00') to a point.

THENCE southerly parallel with the eastern limit of the aforesaid lot number ten (10) seventeen and eight one-hundredths feet (17.08') to a point.

THENCE easterly in a straight line fifteen feet (15.00') more or less to a point in the eastern limit of the aforesaid lot number ten (10) distant seventeen feet (17.00') measured northerly thereon from the southeastern corner of the said lot number ten (10).

THENCE northerly along the eastern limit of the aforesaid lot number ten (1) seventeen and seventeen one-hundredths feet (17.17') more or less to the point of commencement.

ALSO TOGETHER WITH the right in common with the owners, tenants and occupants of the remaining portions of lots numbers ten (10) and eleven (11) to pass over, along and upon and to use as a right-of-way part of lot number eleven (11) according to the hereinbefore mentioned Sir Allan MacNab Survey, registered Plan Number 127, and which right-of-way may be more particularly described as follows, that is to say:-

COMMENCING at the northeastern corner of the hereinbefore described parcel of land, being a point in the eastern limit of the said lot number eleven (11) distant three and eighty one-hundredths feet (3.80') measured northerly thereon from the southeastern corner thereof.

THENCE northerly along the eastern limit of the aforesaid lot number eleven (11) thirty-seven and twenty-eight one-hundredths feet (37.28') to a point.

THENCE westerly in a straight line fifteen feet (15.00') to a point distant forty-one feet (41.00') measured northerly parallel with the eastern limit of the aforesaid lot number eleven (11) from the division line between lots numbers ten (10) and eleven (11).

THENCE southerly parallel with the eastern limit of the aforesaid lot number eleven (11) thirty-two feet (32.00') to a point distant nine feet (9.00') measured northerly at right angles from the aforesaid division line between lots numbers ten (10) and eleven (11) and being, also, distant fifteen feet (15.00') measured westerly parallel with the aforesaid division line between lots numbers ten (10) and eleven (11) from the eastern limit of the aforesaid lot number eleven (11).

THENCE southwesterly in a straight line seven feet (7.00') more or less to a point in the northern limit of the hereinbefore described parcel of land, distant four feet (4.00') measured northerly at right angles from the aforesaid division line between lots numbers ten (10) and eleven (11), and being, also distant twenty feet (20.00') measured westerly parallel with the said division line from the eastern limit of the aforesaid said lot number eleven (11).

THENCE easterly along the northern limit of the hereinbefore described parcel of land twenty feet (20.00') more or less to the point of commencement.

SUBJECT to the right of the owners, tenants and occupants of the remaining portions of lots numbers ten (10) and eleven (11) to pass over, along and upon and use as a right-of-way part of the hereinbefore described parcel of land, being part of lots number

ten (10) and eleven (11) in Block Number Two (2), according to the hereinbefore mentioned subdivision known as Sir Allan MacNab Survey, registered as Plan Number 127, and which right-of-way may be more particularly described as follows, that is to say:-

COMMENCING at a point in the eastern limit of MacNab Street, where it is intersected by the production westerly of the line of the northern face of the northern wall of the ground floor portion of semi-detached brick dwelling known as Municipal Number 256 MacNab Street North, the said wall being the southern wall of a covered passageway, the said point of intersection being distant fifty-five and thirty one-hundredths feet (55.30') measured northerly along the eastern limit of MacNab Street from the southwestern corner of the said lot number ten (10).

THENCE easterly to and along the northern face of the aforesaid southern wall of the covered passageway, and the production of the line thereof easterly, one hundred and forty-six one-hundredths feet (100.46') more or less to a point distant twenty feet (20.00') measured westerly parallel with the division line between lots numbers ten (1) and eleven (11) from the eastern limit of the aforesaid lot number ten (10), and being, also, distant six feet (6.00') measured southerly at right angles from the division line between the aforesaid lots numbers ten (10) and eleven (11).

THENCE southeasterly in a straight line seven feet (7.00') more or less to a point, which is distant eleven feet (11.00') measured southerly at right angles from the said division line between lots numbers ten (10) and eleven (11), being also distant fifteen feet (15.00') measured westerly parallel with the aforesaid division line between lots numbers ten (10) and eleven (11) from the eastern limit of lot number ten (10).

THENCE southerly parallel with the eastern limit of the aforesaid lot number ten (10) fourteen and ninety-two one-hundredths feet (14.92') more or less to a point in the southern limit of the hereinbefore described parcel of land.

THENCE easterly along the southern limit of the hereinbefore described parcel of land fifteen feet (15.00') more or less to an iron bar planted at the southeastern corner thereof, and being in the aforesaid eastern limit of lot number ten (10).

THENCE northerly along the eastern limits of the aforesaid lots numbers ten (10) and eleven (11) thirty and five one-hundredths feet (30.05') more or less to the northeastern corner of the hereinbefore described parcel of land, the said corner being distant three and eighty one-hundredths feet (3.80') measured northerly along the easterly limit of the aforesaid lot number eleven (11) from the southeastern corner thereof.

THENCE westerly along the northern limit of the hereinbefore described parcel of land one hundred and twenty and forty-six one-hundredths feet (120.46') more or less to the northwestern corner thereof, the said corner being in the eastern limit of MacNab Street distant four and fifty-seven one-hundredths feet (4.57') measured northerly thereon from the southwestern corner of the aforesaid lot number eleven (11).

THENCE southerly along the eastern limit of MacNab Street nine and seventy-seven one-hundredths feet (9.77') more or less to the point of commencement.

TOGETHER WITH THE RIGHT to the Grantees, their successors and assigns, the owners from time to time of the land hereinbefore conveyed to use the wall erected on the lands immediately adjacent to and north of the lands hereinbefore described as a means of support for the building now erected on the lands hereinbefore described extending over the right-of-way above described to be continued and used as such forever. The lands upon which such wall is erected are described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth (formerly County of Wentworth) in the Province of Ontario being composed of part of lot number eleven (11) in Block Number Two (2) according to a subdivision known as the Sir Allan MacNab Survey, the plan thereof registered in the Registry Office for the Registry Division of Wentworth as Number 127, and which parcel of land is in the block bounded by MacNab, Murray, James and Barton Streets, in the said City of Hamilton and may be more particularly described as follows, that is to say:-

COMMENCING at a point in the western face of the western wall of the front portions of the semi-detached brick dwellings known as Municipal Numbers 256 and 258 MacNab Street North, where it is intersected by the southern face of the brick wall between the said semi-detached brick dwellings, and which point of intersection may be arrived at as follows:-

BEGINNING at the southwestern corner of the said lot number eleven (11) being a point in the eastern limit of MacNab Street thence northerly along the eastern limit of MacNab Street four and fifty-seven one-hundredths feet (4.57') to a point in the production westerly of the line of the southern face of the said wall between the said semi-detached brick dwellings known as Municipal Numbers 256 and 258 MacNab Street North.

THENCE easterly along the said production seven and twenty-two one-hundredths feet (7.22') more or less to the said point of commencement.

THENCE easterly along the southern face of the aforesaid wall between the semi-detached brick dwellings thirty-five and ten one-hundredths feet (35.10') more or less to a point in the eastern face of the eastern wall of the front portion of the aforesaid semi-detached brick dwellings.

THENCE northerly along the eastern face of the last mentioned wall eighty-three one-hundredths feet (0.83') more or less to a point in the line of the northern face of the aforesaid wall between the aforesaid semi-detached brick dwellings.

THENCE westerly along the northern face of the last mentioned wall thirty-five and ten one-hundredths feet (35.10') more or less to a point in the aforesaid western face of the western wall of the semi-detached brick dwellings.

THENCE southerly along the western face of the last mentioned wall eighty-three one-hundredths feet (0.83') more or less to the point of commencement.

SCHEDULE "B"

To

By-law No. 89-176

REASONS FOR DESIGNATION

256-258 MacNAB STREET NORTH, HAMILTON, ONTARIO

256-258 MacNab Street North represent the two centre units of a 6-unit, 2 1/2 storey brick rowhouse built in 1879-80. Located two blocks south of the Custom House between Murray and Barton Streets, this outstanding Victorian terrace is a well-integrated component of the late nineteenth and early twentieth century residential area surrounding St. Mary's Church. The unusual design and flamboyant character of the MacNab Street North terrace, however, sets it apart from its neighbours and from other Victorian rowhouses in the City.

Designed by the noted Hamilton architect, James Balfour, the terrace at 252-262 MacNab Street North is one-of-a-kind in this city. Its brick masonry construction, gabled bays and segmentally arched windows were characteristic of rowhouses built in Hamilton from the 1880s through the 1910s. Its highly ornate square wooden bays decorated with bracketed cornices separating the first and second floor windows and pilasters framing the tall paired windows, however, appear to have been inspired by the all-wood Italianate houses and rowhouses built in San Francisco and other west and east coast American cities throughout the 1870s. The charm and uniqueness of the MacNab terrace derives from Balfour's skilful blending of forms and details borrowed from two quite distinct vernacular row hosing traditions. The first two floors of the wooden bays, strikingly similar in design to San Francisco Italianate houses, are crowned by steep-pitched gables decorated with bargeboard, a typical High Victorian Gothic feature characteristic of 1880s row housing in Hamilton. The roofline is also punctuated by steep gabled dormers. The roofs and railings of the porches set between the square bays do not appear to have been part of Balfour's original design. A distinguishing feature of the centre two units is the carriage entrance which separates them at the ground floor level and visually divides the terrace into two 3-bay segments.

Historically, the row is important for its association with Henry J. Larkin, a barrister and developer who built the fine Renaissance Revival commercial block on James Street North known as Treble Hall (originally Larkin Hall), also designed by

James Balfour and built in 1879. The MacNab Street North terrace was owned by the Larkin family until 1889 and remained under single ownership until it was subdivided amongst five owners in 1942. Since this time the centre two units, which are connected at the second storey, have been jointly owned.

Of particular importance to the preservation of 256-258 MacNab Street North is the street facade, including the carriage entrance, the ornate wooden bays, the dormers, bargeboard, original doorways and windows, and roofs and chimneys (but excluding the later porch additions).

DYE & DURHAM CO LIMITED
Form No. 985

Province of Ontario

Document General

Form 4 — Land Registration Reform Act, 1984

D

FOR OFFICE USE ONLY

511346 CD
NUMBER
CERTIFICATE OF REGISTRATION

1989 JUN 12 P 2:26

WENTWORTH No. 62 HAMILTON
LAND REGISTRAR

(1) Registry [X] Land Titles [ ]

(2) Page 1 of 9 pages

(3) Property Identifier(s) Block Property Additional: See Schedule [ ]

(4) Nature of Document

Designating By-law

(5) Consideration

Nil Dollars $ --

(6) Description

Part of Lot No. 10 and Part of Lot No. 11, in Block 2, according to subdivision known as Sir Allan MacNab Survey, Plan No. 127, in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth, AS IN INSTRUMENT NO. 412130 C.D.

New Property Identifiers Additional: See Schedule [ ]

Executions Additional: See Schedule [ ]

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch [ ] (b) Schedule for: Description [X] Additional Parties [ ] Other [X]

(8) This Document provides as follows:

By-law No. 89-176, attached.

Continued on Schedule [ ]

(9) This Document relates to instrument number(s) 412130 C.D.

(10) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D
The Corporation of the City of Hamilton		
(Applicant)		
By its Solicitor,		
Lian Lawrence	Lian Lawrence	1989 06 07

(11) Address for Service 71 Main St. W., Hamilton, Ontario. L8N 3T4

(12) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D

(13) Address for Service

(14) Municipal Address of Property

256 MacNab St. N.,
Hamilton, Ontario.
L8L 1K3

(15) Document Prepared by:

K. A. Rouff,
City Solicitor,
The Corporation of the City of Hamilton,
City Hall, 71 Main St. W.
Hamilton, Ontario.
L8N 3T4

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Fees and Tax	
Registration Fee	20.00
Total	

10174 (12/84)