Bill No. D-47

The Corporation of the City of Hamilton

BY-LAW NO. 90- *106*

To Designate:

LAND LOCATED AT MUNICIPAL NO. 33 UNDERMOUNT AVENUE

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. 33 Undermount Avenue 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 *24th* day of *April* A.D. 1990.

City Clerk

Mayor

(1990) 5 R.P.D.C. 11, February 27

Schedule "A"

To

By-law No. 90-106

33 Undermount Avenue, Hamilton, Ontario

All of Lot 27, Plan 303, in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth.

As described in Instrument No. 357827 C.D.

Schedule "B"

to

By-law No. 90-106

33 Undermount Avenue, Hamilton, Ontario

Context

Built in 1916-17 for lawyer John R. Marshall, the house at 33 Undermount Avenue is located in the Kirkendall South Neighourhood, an early 20th century, upper middle-class residential area extending south of Aberdeen Avenue to the escarpment and west to the Chedoke Civic Golf Course. Typical of this area, Undermount Avenue is a pleasant, tree-lined street with a homogenous mix of 2 1/2 storey brick houses.

The properties on either side of Undermount Avenue, a north-south street just west of Locke Street South between Aberdeen and Glenfern Avenue, comprise the survey laid out for Williams, Powell & Francis and sold to the Cumberland Land Co. Ltd. in 1909. The uniform size, quality and set-back of the houses may be attributed to building restrictions in the form of restrictive covenants registered on the original deeds to the lots.

Historical Associations

Of historical interest is the association of 33 Undermount Avenue with the original owner, John R. Marshall, who owned and occupied the house until 1943.

John Roy Marshall was a noted corporate lawyer in partnership for fifty years with Major-General the Honourable S.C. Mewburn. Marshall joined the firm of Mewburn & Ambrose in 1906, becoming a full partner in 1916. In the course of his distinguished legal career, he served for 25 years as a bencher for the Law Society of Upper Canada, subsequently being made a life bencher, and in 1933 was appointed a King's Counsel.

Architectural Significance

This residence, one of the most distinctive on Undermount Avenue, features roughcast masonry walls, a broad symmetrical facade with a central doorway protected by a round-arched canopy, a side-gabled roof with deep flared returned eaves, and multi-paned casement windows. Its individuality stems from the eclectic combination of classical proportions and symmetry with elements borrowed from contemporary English domestic architecture: the roughcast walls, casement windows, and absence of revivalist detail.

An unusual feature of the simply detailed interior is the ornate curvilinear marble mantelpiece in the living room.

Designated Features

Important to the preservation of 33 Undermount Avenue are the original features of the west (front), north and south facades, including the casement windows and canopied entrance, and the living room mantelpiece.

DYE & DURHAM CO. LIMITED
Form No. 985

Province of Ontario

Document General

Form 4 — Land Registration Reform Act, 1984

D

FOR OFFICE USE ONLY

0462 42

CERTIFICATE OF REGISTRATION
CERTIFICAT D'ENREGISTREMENT
WENTWORTH (62) HAMILTON

'90 05 2 12 55

L. Watts

LAND REGISTRAR/REGISTRATEUR

New Property Identifiers — Additional: See Schedule ☐

Executions — Additional: See Schedule ☐

(1) **Registry** ☒ **Land Titles** ☐

(2) Page 1 of 4 pages

(3) **Property Identifier(s)** Block Property — Additional: See Schedule ☐

(4) **Nature of Document**

Designating By-law

(5) **Consideration**

Nil -- Dollars $

(6) **Description**

All of Lot 27, Plan 303
in the City of Hamilton,
in The Regional Municipality of Hamilton-Wentworth

As described in Instrument No. 357827 C.D.

(7) **This Document Contains:** (a) Redescription New Easement Plan/Sketch ☐ (b) Schedule for: Description ☒ Additional Parties ☐ Other ☒

(8) **This Document provides as follows:**

By-law No. 90-106, attached.

Continued on Schedule ☐

(9) **This Document relates to instrument number(s)** 357827 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	Lawrence	1990 05 01

(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**

33 Undermount Avenue,
Hamilton, Ontario.
L8P 3Z7

(15) **Document Prepared by:**

Lian Lawrence
Legislation Solicitor
The Corporation of the
City of Hamilton
City Hall, 71 Main St. W.
Hamilton, Ontario. L8N 3T4
File: 40-98/90.11

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Fees and Tax	
Registration Fee	22.00
Total	