DOMINION OF CANADA)
)
Province of Ontario)
)
Judicial District)
)
of)
)
Hamilton-Wentworth)
)
)

IN THE MATTER OF The Ontario Heritage Act.

AND IN THE MATTER OF Lands and Premises in the City of Hamilton, Known Municipally as 179 Mary Street.

RECEIVED
PLANNING & DEVELOPMENT

JUN 17 1991

REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

I, Keith Edwin Avery

of the City of Hamilton in the Regional Municipality of Hamilton-Wentworth.

DO SOLEMNLY DECLARE:

1. That I am the Clerk of The Corporation of the City of Hamilton and, as such have knowledge of the matters herein deposed to.

2. That I have made a search of the files of The Hamilton Spectator, a newspaper of general circulation in the City of Hamilton, and find that the Notice of Passing of By-law Number 91-70, a copy of which is annexed hereto and marked Exhibit "A", was duly published in the said newspaper in the issues of Thursday, May 23rd, 30th, and Thursday, June 6th, 1991.

3. That By-law Number 91-70, a copy of which is annexed hereto and marked Exhibit "B", was sent by registered mail on Monday, June 10th, 1991, to each of the following:

   (i) The Ontario Heritage Foundation,
   77 Bloor St. West, 7th Floor,
   TORONTO, Ontario M7A 2R9

   (ii) Kenneth and Delores Hastings,
   179 Mary Street,
   HAMILTON, Ontario
   L8L 4V9

AND I make this solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act."

DECLARED before me at the City)
)
of Hamilton)
)
in the Regional Municipality)
)
of Hamilton-Wentworth)
)
this 14th day of June)
)
A.D. 1991.)

A Commissioner, etc.

STEVEN JEFFREY DEMBE, a Commissioner etc., Judicial District of Hamilton-Wentworth, for the Corporation of the City of Hamilton.
Expires May 29, 1994.

EXHIBIT "A"

IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1980, CHAPTER 337,

AND IN THE MATTER OF THE LANDS AND PREMISES AT THE FOLLOWING MUNICIPAL ADDRESS IN THE CITY OF HAMILTON IN THE PROVINCE OF ONTARIO.

NOTICE OF PASSING OF BY-LAW

TAKE NOTICE that the Council of the Corporation of the City of Hamilton has passed By-law Number 91-70 to designate the following property as being of architectural and/or historical value or interest under Part IV of The Ontario Heritage Act.

179 MARY STREET

DATED AT HAMILTON this 23rd day of MAY, 1991.

K. E. AVERY
(Clerk)

THIS IS EXHIBIT "A" REFERRED TO IN THE DECLARATION OF KEITH EDWIN AVERY SWORN BEFORE ME THIS 14TH DAY OF JUNE, A.D., 1991.

A COMMISSIONER, ETC.

STEVEN JEFFREY DEMBE, a Commissioner etc., Judicial District of Hamilton-Wentworth, for the Corporation of the City of Hamilton.
Expires May 29, 1994.

PASSED this *30th* day of *April* A.D. 1991.

City Clerk

Mayor

(1991) 3 R.P.D.C. 7, February 26

CERTIFIED A TRUE COP

CITY CLERK

EXHIBIT "B"

Bill No. C-27

The Corporation of the City of Hamilton

BY-LAW NO. 91- *070*

To Designate:

LAND LOCATED AT MUNICIPAL NO. 179 MARY STREET

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. 179 Mary Street 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 *April* A.D. 1991.

City Clerk

Mayor

CERTIFIED A TRUE COPY

CITY CLERK

(1991) 3 R.P.D.C. 7, February 26

Schedule "A"

To

By-law No. 91- *070*

179 Mary Street, 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 and being composed of:

FIRSTLY:

Part of a block of land lying between Cannon, Robert, Catharine and Mary Streets in the said City known as Lot Number Nine (9) and a part of Lot Eight (8) fronting on Mary Street in the Survey of part of said Block by the late Hon. Samuel Mills and which said parcel may be otherwise described as COMMENCING on the westerly margin of Mary Street at the distance of two hundred and thirty three feet five inches (233' 5") on a course northerly from the north west corner of Cannon and Mary Streets;

THENCE northerly along said Mary Street fifty feet six inches (50' 6") more or less to the division line fence between the property intended to be hereby conveyed and the lands now or formerly owned by one Peter Fitzpatrick;

THENCE westerly parallel with Cannon Street sixty one feet (61');

THENCE southerly in a straight line parallel with Mary Street eight feet (8');

THENCE westerly in a line parallel with Cannon Street to a point midway between Mary and Catharine Streets at the rear of Lot 2 lately conveyed to one Stephen F. Lazier;

THENCE southerly along the rear of said Lot 2 to the southerly boundary of said Lot 9;

THENCE easterly along the south boundary of Lot 9 aforesaid to the place of beginning, being the lands in Instrument 62543.

SAVING AND EXCEPTING therefrom the lands more particularly described in a Deed dated March 28th, 1904 to D. Moore Co. Ltd. and registered on the 30th March, 1904 in Book for the City of Hamilton as No. 79832, and more particularly described as being composed of part of the lot and land lying between Cannon, Robert, Catharine and Mary Streets known as parts of Lots No. 8 and 9 in the survey of part of said lot by the late Honourable Samuel Mills more particularly described as follows:

COMMENCING at the south west angle of said Lot No. 9;

THENCE easterly parallel with Cannon Street forty feet (40');

THENCE northerly parallel with Mary Street to the northern boundary of the lands described in a Deed from Thomas Reche and the said Louisa Reche which bears date the 12th day of November 1896 and registered as Number 62543 for the City of Hamilton;

THENCE westerly parallel with Cannon Street forty feet (40') to a point midway between Mary and Cannon (Catharine) Streets at the rear of Lot No. 2 at one time conveyed to one Stephen Franklin Lazier;

THENCE southerly along the rear of said Lot No. 2 to the place of beginning. Upon the said lands is said to be erected dwelling house known as Number 179 Mary Street according to the present municipal numbering.

SECONDLY:

Part of a block of land lying between Cannon, Robert, Catharine and Mary Streets, in the said City known as part of Lot Number Eight (8) fronting on Mary Street in the survey of part of said block by the late Honourable Samuel Mills and which said parcel may be otherwise described as:

COMMENCING on the west side of Mary Street at the south-east angle of said Lot Number Eight (8);

THENCE westerly along the division line between Lots Eight (8) and Nine (9), Sixty-one feet (61') to the place of commencement of the hereinafter described parcel of land.

THENCE westerly along the division line between the said Lots Eight (8) and Nine (9), Twenty-four feet (24') to a point at the rear of Lot Eight (8);

THENCE northerly along the rear of the said Lot Eight (8), Eight feet (8') to a point;

THENCE easterly and parallel to the division line between Lots Eight (8) and Nine (9), Twenty-four feet (24') to a point;

THENCE southerly and parallel to Mary Street Eight feet (8') to the place of beginning.

Schedule "B"

to

By-law no. 91 - *070*

REASONS FOR DESIGNATION

The Raich House

179 Mary Street, Hamilton

THIS IS EXHIBIT "B" REFERRED TO IN THE DECLARATION OF KEITH EDWIN AVERY SWORN BEFORE ME THIS 14TH DAY OF June A.D., 1991

A COMMISSIONER, ETC.

STEVEN JEFFREY DEMBE, a Commissioner, etc., Judicial District of Hamilton-Wentworth, for the Corporation of the City of Hamilton. Expires May 29, 1994.

Architectural Significance

The 1 1/2 storey frame clapboard house at 179 Mary Street was built for, and possibly also by, Thomas and Peter Fitzpatrick, both carpenters by trade. The house is unique in the Hamilton area in that it is both a rare surviving example of pre-Confederation frame construction and the Classic Revival style. Features characteristic of Classic Revival houses in Ontario include its centre-hall plan, symmetrical facade, medium-pitched, side-gabled roof with returned eaves, prominent end chimneys, six-over-six double-hung sash windows and transomed doorway. 179 Mary Street combines a simplicity of design with an elegance of detailing most evident in the finely crafted doorway comprising a pair of Ionic columns supporting a full entablature with projecting end blocks, above which is a five-paned rectangular transom light. Also noteworthy is the original wooden mantelpiece in the living room (north wall), which echoes the design of the front entrance.

The house represents a local vernacular adaptation of the Classic Revival style in its use of the raised basement (originally housing the kitchen), a common feature of houses built in Hamilton at the time.

Historical Associations

Associated for much of its history with the Raich family, the house was first acquired around 1865 by Anthony Riche, a carpenter and wagonmaker. The last surviving Raich, Louisa, sold the house in 1942 to George Shannon and his wife.

Context

Located in the block between Cannon and Robert, a residential streetscape composed largely of later 2 1/2 storey Victorian brick houses and terraces, the Raich House stands out visually as an exceptionally early and particularly distinctive building, owing to its contrasting scale, design and construction.

Designated Features

Important to the preservation of 179 Mary Street are the original architectural features of the front (west), north and south facades, including the wood siding, two end chimneys, original doorway (excluding the concrete stairs and modern front door), and the living room mantelpiece.