Province of Ontario

Document General

Form 4 — Land Registration Reform Act

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H M 2 3 5 6 8 8

CERTIFICATE OF REGISTRATION
CERTIFICAT D'ENREGISTREMENT
WENTWORTH (No.) HAMILT...

'96 11 5 14 21

ACTING LAND REGISTRAR
REGISTRATEUR PROVISOIRE

New Property Identifiers

Additional: See Schedule ☐

Executions

Additional: See Schedule ☐

(1) Registry ☒ Land Titles ☐ (2) Page 1 of 5 pages

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

(4) Nature of Document

By-law to designate land for historic and architectural purposes

(5) Consideration

Dollars $

(6) Description

All of Lots 33 and 34, part of Lots 35, 36, 47 and 48 Nathaniel Hughson's Survey, being the block bounded by James, Rebecca, Hughson and King William Streets, City of Hamilton Regional Municipality of Hamilton-Wentworth

As in Schedule attached

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

(8) This Document provides as follows:

A certified copy of By-law No. 96-175, (enacted by The Corporation of the City of Hamilton on October 29, 1996) to designate the Box 6 land(s) for historic and architectural purposes, is attached hereto for registration on title to the Box (6) land(s).

Continued on Schedule ☐

(9) This Document relates to instrument number(s)

492891 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 Art Zuidema		1996 11 04

(11) Address for Service **P.O. Box 2040, 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

28-44 James Street North/ 5-21 King William Street Hamilton, Ontario

(15) Document Prepared by:

(City of Hamilton Law Department P.O. Box 2040, 71 Main St. W Hamilton, Ontario L8N 3T4

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Fees and Tax	
Registration Fee	50.00
Total	

CERTIFIED COPY

Bill No. C- 62

The Corporation of the City of Hamilton

BY-LAW NO. 96-175

To Designate:

LAND LOCATED AT MUNICIPAL NOS. 28-44 JAMES STREET NORTH/ 5-21 KING WILLIAM STREET (LISTER BLOCK)

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. 1990, Chapter O.18;

AND WHEREAS the Conservation Review Board made a report as required by 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(14)(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 Nos. 28-44 James Street North/5-21 King William 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 once in a newspaper having general circulation in the Municipality of the City of Hamilton.

PASSED this 29th day of October A.D. 1996

J.J. SCHATZ
CITY CLERK

R. M. MORROW
MAYOR

CERTIFIED A TRUE COPY

CITY CLERK

(1995) 3 R.P.D.C. 4, January 10

Schedule "A"

to

By-law No. 96-175

Lister Block
28-44 James Street North / 5-21 King William Street

All of Lot 33, All of Lot 34, Part of Lot 35, Part of Lot 36, Part of Lot 47 and Part of Lot 48

Nathaniel Hughson's Survey

being the block bounded by James, Rebecca, Hughson and King William Streets,

City of Hamilton

Regional Municipality of Hamilton-Wentworth

Registry Division of Wentworth

More particularly described as follows:

COMMENCING at the southwestern corner of the said lot number thirty-three (33), being a point in the eastern limit of James Street, where it is intersected by the northern limit of King William Street, the said point of intersection being marked by a cross cut in the concrete sidewalk;

THENCE northerly along the western limits of the said lots numbers thirty-three (33) and forty-eight (48) (being along the eastern limit of James Street), one hundred and thirty-nine and eight one-hundredths feet (139.08') more or less to a point of intersection with the centre line of the wall between the six (6) storey brick building erected upon the herein described parcel of land and known as Municipal Numbers 28 to 44 James Street North, and the three and one-half (3½) storey stone building erected upon the lands adjoining on the north and known as Municipal Number 46 James Street North;

THENCE easterly along the centre line of the said wall sixty-one feet (61.00') more or less to a point in the eastern face of the eastern wall of the said stone building known as Municipal Number 46 James Street North, the said point being distant one hundred and thirty-seven and forty-two one-hundredths feet (137.42') measured southerly parallel with the eastern limit of James Street from the southern limit of Rebecca Street;

THENCE easterly along the centre line of the southern wall of the three storey stone addition erected in the rear of and adjoining the said stone building known as Municipal Number 46 James Street North and the production easterly thereof ninety-four feet (94.00') more or less to a point in the eastern limit of the said lot number forty-seven (47) the said point being distant two feet (2.00') measured northerly along the eastern limit of lot number forty-seven (47) from the southeastern corner thereof, the said point being also distant one hundred and thirty-six and thirty-three one-hundredths feet (136.33') measured southerly along the eastern limit of lot number forty-seven (47), from the southern limit of Rebecca Street;

THENCE southerly along the eastern limit of the aforesaid lot number forty-seven (47) two feet (2.00') to the southeastern corner thereof;

THENCE easterly along the northern limits of the said lots numbers thirty-five (35) and thirty-six (36), one hundred and sixty-two and fifty one-hundredths feet (162.50') more or less to the northeastern corner of the said lot number thirty-six (36), being a point in the western limit of Hughson Street;

THENCE southerly along the eastern limit of the said Lot number thirty-six (36) sixty-nine and twenty-one hundredths feet (69.21') more or less to a point measured northerly along the eastern limit of the aforesaid lot number thirty-six (36) from the northern limit of King William Street;

THENCE westerly in a straight line one hundred and sixty-two and fifty one-hundredths feet (162.50') more or less to a point in the western limit of the said lot number thirty-five (35), distant sixty-nine and seventeen one-hundredths feet (69.17') measured northerly along the said limit from the northern limit of King William Street;

THENCE southerly along the western limit of the aforesaid lot number thirty-five (35), sixty-nine and seventeen one-hundredths feet (69.17') to the southwestern corner thereof;

THENCE westerly along the said northern limit of King William Street and being along the southern limits of the said lots numbers thirty-four (34) and thirty-three (33) one hundred and fifty-five feet (155.00') more or less to the point of commencement.

PREVIOUSLY DESCRIBED IN INSTRUMENT No 492891 CD

Schedule "B"

to

By-law No. 96-175

REASONS FOR DESIGNATION

Lister Block
28–44 James Street North / 5–21 King William Street

Context

The imposing six–storey retail/office building known as the *Lister Block* has been a prominent downtown landmark since erected in 1923 at the north–east corner of James Street North and King William. Its height, corner location, large double street frontage, and assertive architectural design have all contributed to its dominant character. An anchor block on both streets, its strong presence has been further accentuated in recent years by two major changes to the historic James North streetscape: the replacement of the four– and six–storey T. Eaton Co. department store (1916/20) to the north–west by the lower Eaton Centre (1990) and the large gap created by the demolition of the 1929 Zeller's building to the south.

The Lister Block originally stood in the heart of Hamilton's civic core, directly across from the City Hall (1888) and Market Square, and just south of the Federal Building (1856/1920). The downtown urban renewal scheme, initiated by the opening of the new City Hall in 1960, however, gradually shifted the focus of civic and cultural activity away from James Street North, resulting in the loss of two major Victorian landmarks: the old City Hall and the Grand Opera House (1880) located two blocks to the north.

From an urban design perspective, full advantage was taken of the corner site. Equal architectural emphasis was given to the six– and eight–bay street elevations, with entrances provided to the L–shaped arcade from both James and King William. The use of the traditional truncated corner served to orient the building both to the intersection of James and King William and the open space beside City Hall, known as Market Square. Despite changes to the original street pattern and built forms, the Lister Block still relates very well to its setting and maintains a commanding presence.

History

The Lister Block site is noteworthy for its long–term association with the Lister family, dating back to the 1850s when the original four–storey stone commercial block was erected for Joseph Lister. Following a devastating fire in 1923 which left the structure in ruins, plans were immediately drawn up for a larger, six–storey fireproof building by his son and manager since 1911, J.E. Lister. It was Lister's proclaimed ambition to provide the most up–to–date and central accommodation for small merchants at the lowest possible rents: stores facing James and King William, a two–level interior shopping arcade and office suites on the upper four floors. Within several years, Lister's ambitious project proved to be a success, attracting a variety of retail stores as well as service–oriented businesses and agencies (e.g. cafes, barber shops, beauty salons, medical practitioners, accountants, real estate agents, building societies, and charitable organizations). Joseph and J.E. Lister were both successful businessmen who demonstrated the family's confidence in and commitment to Hamilton through their respective Lister Block developments.

The present Lister Block remained largely occupied until the mid–1970s. Long–standing tenants included the Tait–Gibson Optical House at #44, one of the first and last occupants; the former White Grill Restaurant at #40 for over forty years; and the Anne Foster Music Shop located at #36 from 1942 until 1995, when the building was closed.

Architecture

The Lister Block is significant as Hamilton's oldest surviving major retail/office complex with a large interior arcade. It also ranks among the city's best surviving examples of the decorative use of terra cotta. Moreover, it is one of the most distinctive buildings designed by the local architectural firm of Bernard Prack & Co. (later Prack & Prack), whose achievements included the tall Gothic–inspired 1929 Pigott Building. Typical of early 20th century office buildings, the Lister Block combined technically advanced fire–proof construction with traditional architectural materials and forms. Stylistically, it followed the Renaissance Revival precedent adopted for Hamilton's pre–modern tall buildings, such as the Royal Connaught Hotel (1916), and was similarly characterized by the tripartite division of its facades into base, shaft and capital, all articulated by classical elements and details. The massing of the Lister Block, however, more closely resembled that of the early 20th century department store, with its bulkier proportions and horizontal emphasis (as exemplified by the original T. Eaton Co. building).

To the architect's credit, the Lister Block is distinguished by the clear architectural expression of its dual function, the skilful handling of Renaissance Revival forms, and high–quality materials employed in a visually effective manner. The building consists of a reinforced concrete frame clad in brick, terra cotta and sheet copper. The white glazed terra–cotta facade of the lower two stories of retail space comprises fluted pilasters supporting an entablature punctuated by decorative medallions aligned with the capitals. Set within this classical framework are the individual storefronts and wide display windows above. In contrast, the facade of the four stories of office space above is divided into bays of tall sash windows and copper spandrel panels by piers of dark brown rug brick. Crowning the facade is a white glazed terra–cotta entablature similar in design to the lower one, but more elaborate.

The L–shaped interior arcade, claimed at the time of its opening to be the first in Hamilton with a second level of shops, is also noteworthy for its architectural treatment: corridors with marble and patterned terrazzo flooring lined with varnished wood and plate–glass storefronts, and at street level, decorative plasterwork in the form of arches sprung from classical pilasters, and square skylights (originally domed on the interior).

The Lister Block has, to a large extent, preserved its original architectural character. Most of its original exterior and interior features are intact; and exterior alterations have mainly occurred at ground floor level: most noticeably, the partial removal of two corner pilasters. Only the former music shop front at #36 still stands unaltered.

Designated Features

Important to the preservation of the Lister Block are the original architectural features of:

– the two street facades (west and south), including all original windows, the one original storefront at #36, and the decorative terra–cotta and copper work, but excluding recent alterations to the storefronts and arcade entrances;

– the two–level interior arcade, including the shopfronts, decorative plasterwork, marble and terrazzo flooring, and skylights (excluding the recent bubble domes).