

**Authority:** Item 19, Economic Development  
and Planning Committee  
Report; 08-014 (PED08159)  
CM: July 10, 2008

**Bill No. 215**

**CITY OF HAMILTON**

**BY-LAW NO. 08-215**

**To Designate:**

**LAND LOCATED AT 46-52 JAMES STREET NORTH, CITY OF HAMILTON**

As Property of:

**CULTURAL HERITAGE VALUE**

**WHEREAS** the Council 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 0.18;

**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(6)(a) of the said Act.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

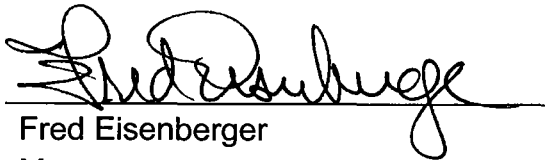
1. The property located at 46-52 James Street North, Hamilton, Ontario and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of cultural heritage value.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with the statement of cultural heritage value and description of heritage attributes 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.

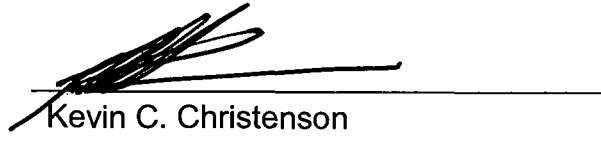
3. The City Clerk is hereby authorized and directed,

- (a) to cause a copy of this by-law, together with reasons for the designation, to be served on The Ontario Heritage Trust by personal service or by registered mail;
- (b) to publish a notice of this by-law once in a newspaper having general circulation in the City of Hamilton.

**PASSED and ENACTED** this 10<sup>th</sup> day of September, 2008.



Fred Eisenberger  
Mayor



Kevin C. Christenson  
City Clerk

Schedule "A"  
To  
By-Law No. 08-215

46-52 James Street North  
Hamilton, Ontario

**PIN: 17167-0003 (R)**

Part Lots 47 and 48, Nathaniel Hughson Survey (unregistered), south side of Rebecca Street, between Hughson Street and James Street as in VM42106; City of Hamilton, more particularly described as:

FOURTHLY:

**COMMENCING** at a point in the eastern limit of James Street where it is intersected by the centre line of the southern wall of the store erected upon the lands herein described and known as Number 46 James Street North, the said point being distant one hundred and thirty-seven feet five inches (137' 5") measured southerly along the eastern limit of James Street from the southern limit of Rebecca Street;

**THENCE NORTHERLY** along the eastern limit of James Street, twenty-two feet two and one-half inches (22' 2½") more or less to a point in the centre line of the party wall between the aforementioned store and the store erected upon the lands immediately adjoining on the north and known as Number 48 James Street North;

**THENCE EASTERLY** along the centre line of the said wall, sixty-one feet seven and one-half inches (61' 7½") more or less to a point in the eastern face of the eastern wall of the aforementioned store, the said point being distant one hundred and fifteen feet one and three-quarter inches (115' 1¾") measured southerly parallel with the eastern limit of James Street from the southern limit of Rebecca Street;

**THENCE CONTINUING EASTERLY** along the centre line of the northern wall of the stone building erected in rear of the aforementioned store, Number 46 James Street North, forty-three feet (43') more or less to a point in the eastern face of the said wall, the said point being distant one hundred and fourteen feet two and three-quarter inches (114' 2¾") measured southerly parallel with the eastern limit of James Street from the southern limit of Rebecca Street;

**THENCE SOUTHERLY** along the eastern face of the said last mentioned wall, six and one-quarter inches (6¼") more or less to a point in the southern face of the southern wall of a brick building erected upon the lands immediately adjoining on the north;

**THENCE EASTERLY** along the southern face of the said last mentioned wall and the production easterly of the line thereof, fifty feet four and one-half inches (50' 4½") more or less to a point in the eastern limit of the said Lot Number 47;

**THENCE SOUTHERLY** along the eastern limit of the said Lot, twenty-two feet six inches (22' 6") more or less to appoint in the production easterly of the centre line of the southern wall of the aforementioned stone building erected in rear of store Number 46 James Street North, the said point being distant one hundred and thirty-six feet four inches (136' 4") measured southerly along the eastern limit of Lot Number 47 from the southern limit of Rebecca Street;

**THENCE WESTERLY** to and along the centre line of the said last mentioned wall, ninety-four feet (94') more or less to a point in the centre line of the first mentioned wall of store Number 46 James Street North, the said point being distant one hundred and thirty-seven feet five inches (137' 5") measured southerly parallel with the eastern limit of James Street from the southern limit of Rebecca Street;

**THENCE CONTINUING** westerly along the centre line of the aforesaid southern wall of store Number 46 James Street North, sixty-one feet (61') more or less to the place of beginning;

**ON THE** above described parcel of land is erected a store known as Number 46 James Street North;

**TOGETHER WITH AND SUBJECT TO** in common with the owners, tenants and occupants of the lands immediately adjoining on the south, the rights expressed in the Memorial of Bargain and Sale between Joseph Lister and Robert McKay dated the 25<sup>th</sup> day of November 1854 and registered on the 3<sup>rd</sup> day of February, 1855, as Number G-127, with respect to the strips of land ten inches (10") wide adjoining on both sides of the southern boundary of the hereinbefore described parcel of land extending from James Street easterly to the eastern limit of Lot Number 47, except the strip adjoining the southern limit of the south which extends only the full depth of the Lister Property; and the use of the walls erected thereon or any extensions thereof, said right of way lying within Lots 47 and 48;

**TOGETHER WITH** the use with others, if any, entitled thereto of the rights previously enjoyed by 46 – 52 James Street Limited in the right-of-way out on to Hughson Street extending across the lands formerly owned by the Estate of Joseph Lister, deceased, being Lots 34, 35 and 36 in the block bounded by James, Rebecca, Hughson and King William Streets in said Nathaniel Hughson's survey in the said City Of Hamilton.

As previously described in Instrument No. VM42106.

**PIN: 17167-0002 (R)**

*part Lots 46, 47 and 48, Nathaniel Hughson Survey (unregistered), south side of Rebecca Street between James Street and Hughson Street as in VM34344; City of Hamilton, more particularly described as:*

**SECONDLY:**

**COMMENCING** *at a point in the eastern limit of James Street where it is intersected by the centre line of the party wall between the store erected upon the lands herein described and known as Number 48 James Street North, and the store erected upon the lands immediately adjoining on the south and known as Number 46 James Street North, the said point being distant one hundred and fifteen feet two and one-half inches (115' 2½") measured southerly along the said eastern limit of James Street from the southern limit Rebecca Street;*

**THENCE NORTHERLY** *along the eastern limit of James Street, forty-six feet seven inches (46' 2") more or less to a point in the centre line of the party wall between the store erected upon the lands herein described and known as Number 52 James Street North and the store erected on the lands immediately adjoining on the north and known as Number 54 James Street North;*

**THENCE EASTERLY** *along the centre line of the said last mentioned party wall and the production thereof easterly, one hundred and fifty-eight feet three inches (158' 3") more or less to a point in the production southerly of the eastern face of the eastern wall of a brick building erected upon the lands immediately adjoining on the north and west and known as Number 16 Rebecca Street;*

**THENCE NORTHERLY** *to and along the eastern face of the last mentioned wall, sixty-eight feet (68') more or less to a point in the southern limit of Rebecca Street, the said point being distant one hundred and fifty-eight feet three inches (158' 3") measured easterly along the southern limit of Rebecca Street from the eastern limit of James Street;*

**THENCE EASTERLY** *along the southern limit of Rebecca Street, sixty-three feet two and three-quarter inches (62' 2¾") more or less to a point which is distant ninety-six feet (96') measured westerly along the southern limit of Rebecca Street from the western limit of Hughson Street;*

**THENCE SOUTHERLY** *and parallel with the western limit of Hughson Street, one hundred and thirty-eight feet four and one-quarter inches (138' 4¼") more or less to a point in the southern limit of Lot Number 46 aforesaid;*

**THENCE WESTERLY** *along the southern limit of Lot Number 46, sixty-six feet four and one-half inches (66' 4½") more or less to the south-western angle of said Lot Number 46;*

**THENCE NORTHERLY** along the western limit of said Lot Number 46, twenty-four feet six inches (24' 6") more or less to a point in the production easterly of the line of the southern face of the southern wall of the brick building erected upon the lands herein described;

**THENCE WESTERLY** to and along the southern face of the last mentioned wall, fifty feet four and one-half inches (50' 4½") more or less to a point in the eastern face of the eastern wall of the stone building erected upon the lands immediately adjoining on the south and in rear of store Number 46 James Street North, the said point being distant one hundred and fourteen feet nine inches (114' 9") measured southerly parallel with the eastern limit of James Street from the southern limit of Rebecca Street;

**THENCE NORTHERLY** along the eastern face of the said last mentioned wall, six and one-quarter inches (6¼") more or less to a point in the centre line of the northern wall of the aforesaid stone building erected in rear of store Number 46 James Street North;

**THENCE WESTERLY** along the centre line of the said last mentioned wall, forty-three feet (43') more or less to a point in the eastern face of the eastern wall of the aforesaid stores Number 46 and 48 James Street North, where the said face is intersected by the centre line of the party wall between the aforesaid stores, the said point being distant one hundred and fifteen feet one and three-quarter inches (115' 1¾") measured southerly parallel with the eastern limit of James Street from the southern limit of Rebecca Street;

**THENCE CONTINUING WESTERLY** along the centre line of the said last mentioned party wall, sixty-one feet seven and one-half inches (61' 7½") more or less to the place of beginning. On the above described parcel of land are erected the stores known as Numbers 48, 50 and 52 James Street North and the buildings known as Number 18, 20 and 22 Rebecca Street;

**AND TOGETHER WITH** all rights to use and in connection with the whole of the said parcel walls;

**AND TOGETHER WITH AND SUBJECT TO** in common with the owners, tenants and occupants of the lands immediately adjoining on the north, the rights expressed in the Memorial of Bargain and Sale between Joseph Lister and Robert McKay, dated the 25<sup>th</sup> day of November A.D. 1854, and registered the 3<sup>rd</sup> day of February A.D. 1855 as Number G-127, with respect to the strip of land ten inches (10") wide adjoining the northern limit of the hereinbefore described parcel of land and extending from the eastern limit of James Street easterly to the eastern limit of Lot Number 47 **AND TOGETHER WITH** the use of the walls erected thereon and any extensions thereof, all lying within Lots 46, 47 and 48.

As previously described in Instrument No. VM34344.

Schedule "B"  
To By-law No. 08-215

46-52 James Street North, Hamilton

**STATEMENT OF CULTURAL HERITAGE VALUE AND DESCRIPTION OF  
HERITAGE ATTRIBUTES**

**Statement of Cultural Heritage Value**

The four-storey building, built 1855-56, located at 46-52 James Street North possesses cultural heritage value due not only to its association with the growth and commercial prosperity of the City of Hamilton in the nineteenth century, but also due to its association with an important nineteenth-century architect, William Thomas. Thomas was considered a key figure in Canadian architecture, designing important buildings throughout Ontario as well as in other Provinces. Thomas designed a commercial building befitting the prosperity of Hamilton in the 1850s. In its original composition, design and materials, the building was a representative example of Renaissance Revival architecture dating to the pre-Confederation period.

While the building retains only a portion of its original architectural features, confined specifically to the three bays on the southern most section of the property, including the decorative stone window surrounds, its similarities to other extant Thomas buildings, such as Kerr's Block on King Street East, is a testament to the work of this architect and his contribution to the pre-Confederation architectural legacy of stone construction in the City.

The building is an important element in the James Street North streetscape, which is both architecturally and historically significant for downtown Hamilton. Lined with three to four storey commercial row buildings, the buildings on James Street North exemplify early architectural styles and often exhibit high levels of craftsmanship in both design and construction including such architectural details as cornices, decorative window trim and ornate masonry work. While at one time quite plentiful in Hamilton, this surviving example of a stone, commercial block building type at 46-52 James Street North is nowadays rare in the downtown core.

**Description of Heritage Attributes**

The heritage attributes of 46-52 James Street North include but are not limited to:

- The west elevation of the southern most section of the building (three bays wide) along with the flat roof; together with all original construction materials (stone and wood) and all component architectural features and detailing, including the fenestration pattern and the decorative window surrounds.

- The west elevation of the northern portion of the building along with the flat roof, including the surviving stone façade, remnant window and door openings and any other surviving architectural features or decorative elements.