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**RECEIVED**

By Ontario Heritage Trust at 3:41 pm, Jun 16, 2020

Office of the  
City Solicitor  
Our File No. 87-26

**MEMORANDUM**

DEPARTMENT OF  
THE CITY CLERK

AUG 21 1990

**RECEIVED**

TO: Mrs. M. Rogers  
City Clerk

FROM: N.C. Jackson  
City Solicitor

DATE: August 16, 1990

RE: Designation of 437 King Street West as a  
Property of Architectural & Historic Value  
By-Law No. 87-151, passed May 12, 1987

I am enclosing herewith a proposed amendment to By-Law No. 87-151, "A By-Law to Designate Certain Properties to be of Historic and/or Architectural Value or Interest Pursuant to the Provisions of the Ontario Heritage Act," which was passed by City Council on May 12, 1987. On October 13, 1987 a certified copy of the By-Law was registered as Instrument No. 462553.

The By-Law designates a total of 31 properties, one of the properties being, as set out in Section 3(j), 437 King Street West (Copsforth). It has recently come to light, in view of the pending conveyance of the abutting property at 433 King Street West, that the legal description contained in Schedule "A" to By-Law No. 87-151 for 437 King Street West covers more than one property. I would recommend therefore that the legal description be corrected as set out in the attached amending by-law in order to ensure that the heritage designation applies only to 437 King Street West and not to any other properties located on Part of Lots 1, 2 and 19, Plan B-31; and Part of Lots 7, 8 and 47, Plan No. C-2.

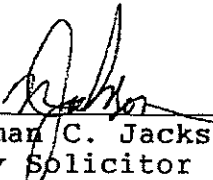
. . . /2

Mrs. M. Rogers - 2

August 16, 1990

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I would also recommend that the amending by-law be presented to Council for three readings on August 28, 1990 in order that, if approved, it may be registered shortly thereafter.

  
\_\_\_\_\_  
Norman C. Jackson  
City Solicitor

NCJ\*cg  
Encl.

c.c. to: Mr. B. Meunier, Chief Administrative Officer  
Mr. Carl Baldwin, Sec.-Treas., LACAC

A BY-LAW TO AMEND BY-LAW NO. 87-151, "A BY-LAW TO DESIGNATE CERTAIN PROPERTIES TO BE OF HISTORIC AND/OR ARCHITECTURAL VALUE OR INTEREST PURSUANT TO THE PROVISIONS OF THE ONTARIO HERITAGE ACT" (CORRECT LEGAL DESCRIPTION FOR 437 KING STREET WEST)

PASSED: August 28, 1990

WHEREAS by Subsection (j), Section 3 of By-Law No. 87-151, the property known municipally as 437 King Street West "Copsworth", has been designated as a property of architectural and historical value or interest; and

WHEREAS the legal description for this property, as contained in Schedule "A" to By-Law No. 87-151, requires clarification to ensure that it covers only the property at 437 King Street West and not the abutting properties:

THEREFORE the Council of The Corporation of the City of Kingston enacts as follows:

1. By-Law No. 87-151, entitled "A By-Law to Designate Certain Properties to be of Historic and/or Architectural Value or Interest Pursuant to the Provisions of the Ontario Heritage Act," is hereby amended as follows:

A. Schedule "A" to By-Law No. 87-151 is hereby amended by deleting therefrom the following legal description for 437 King Street West "Copsworth" on page 12:

"ALL AND SINGULAR those certain parcels and tracts of land and premises situate, lying and being in the said City of Kingston, in the County of Frontenac, and known by the name of the Michael Doran Homestead property and which land hereby conveyed or intended so to be may be described as follows, that is to say as consisting of: FIRSTLY - Lots numbers seven, eight and forty-seven as laid down on a plan of the South West part of Lot twenty-one in the first concession of the Township of Kingston, now in the City of Kingston, made by T.W. Nash, P.L.S., and registered in the Registry Office for the said City

1.A. (cont'd)

of Kingston on the 11th day of July, 1877. 'SECONDLY - Lots numbers one and two fronting on the North side of King Street and lot number nineteen fronting on the West side of Ellerbeck Place, which lands are more particularly described in instrument numbers 168962 and 23002.'";

and substituting therefor the following legal description:

"ALL AND SINGULAR those certain parcels and tracts of land and premises situate, lying and being in the City of Kingston, in the County Frontenac and being composed of Lot Numbers 7, 8 and 47, Registered Plan No. C-2 and Lot Numbers 1, 2 and 19, Registered Plan No. B-31; SAVE AND EXCEPT those parcels and tracts of land conveyed by Instrument Number 434946 registered August 29, 1986 (11 Livingston Avenue); Instrument Number 204361 registered October 20, 1970 (433 King Street West); Instrument Number 226019 registered July 31, 1972 (431 King Street West); Instrument Number 343279 registered January 9, 1981 (24 Ellerbeck Street); and Instrument No. 468964 registered January 20, 1988 (30 Ellerbeck Street)."

2. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the lands described in the foregoing amendment to Schedule "A" in the Land Registry Office at Kingston, Ontario.

3. The City Clerk is hereby authorized to cause a copy of this By-Law to be served on the owners of the lands described in the foregoing amendment to Schedule "A" and on The Ontario Heritage Foundation.

3. This by-law shall come into force and take effect on its passing.

GIVEN THREE READINGS AND FINALLY PASSED August 28, 1990

CITY CLERK

MAYOR

BY-LAW NO. 90-234

A BY-LAW TO AMEND BY-LAW NO. 87-151, "A BY-LAW TO DESIGNATE CERTAIN PROPERTIES TO BE OF HISTORIC AND/OR ARCHITECTURAL VALUE OR INTEREST PURSUANT TO THE PROVISIONS OF THE ONTARIO HERITAGE ACT" (CORRECT LEGAL DESCRIPTION FOR 437 KING STREET WEST)

PASSED: August 28, 1990

WHEREAS by Subsection (j), Section 3 of By-Law No. 87-151, the property known municipally as 437 King Street West "Copsworth", has been designated as a property of architectural and historical value or interest; and

WHEREAS the legal description for this property, as contained in Schedule "A" to By-Law No. 87-151, requires clarification to ensure that it covers only the property at 437 King Street West and not the abutting properties:

THEREFORE the Council of The Corporation of the City of Kingston enacts as follows:

1. By-Law No. 87-151, entitled "A By-Law to Designate Certain Properties to be of Historic and/or Architectural Value or Interest Pursuant to the Provisions of the Ontario Heritage Act," is hereby amended as follows:

A. Schedule "A" to By-Law No. 87-151 is hereby amended by deleting therefrom the following legal description for 437 King Street West "Copsworth" on page 12:

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1.A. (cont'd)


of Kingston on the 11th day of July, 1877. SECONDLY - Lots numbers one and two fronting on the North side of King Street and lot number nineteen fronting on the West side of Ellerbeck Place, which lands are more particularly described in instrument numbers 168962 and 23002.";

and substituting therefor the following legal description:

"ALL AND SINGULAR those certain parcels and tracts of land and premises situate, lying and being in the City of Kingston, in the County Frontenac and being composed of Lot Numbers 7, 8 and 47, Registered Plan No. C-2 and Lot Numbers 1, 2 and 19, Registered Plan No. B-31; SAVE AND EXCEPT those parcels and tracts of land conveyed by Instrument Number 434946 registered August 29, 1986 (11 Livingston Avenue); Instrument Number 204361 registered October 20, 1970 (433 King Street West); Instrument Number 226019 registered July 31, 1972 (431 King Street West); Instrument Number 343279 registered January 9, 1981 (24 Ellerbeck Street); and Instrument No. 468964 registered January 20, 1988 (30 Ellerbeck Street)."

2. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the lands described in the foregoing amendment to Schedule "A" in the Land Registry Office at Kingston, Ontario.
3. The City Clerk is hereby authorized to cause a copy of this By-Law to be served on the owners of the lands described in the foregoing amendment to Schedule "A" and on The Ontario Heritage Foundation.
3. This by-law shall come into force and take effect on its passing.

GIVEN THREE READINGS AND FINALLY PASSED August 28, 1990

  
CITY CLERK

  
MAYOR



# Document General

Form 4 — Land Registration Reform Act, 1984

DYE & DURHAM CO. LIMITED  
Form No. 905

**D**

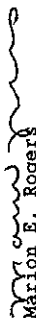
<p>FOR OFFICE USE ONLY</p> <p>536794</p> <p><b>CERTIFICATE OF REGISTRATION</b></p> <p>106 AUG 31 1990</p> <p>W. D. Robertson Land Registrar</p> <p>Frontenac No. 13 Kingston</p> <p>No. ....</p> <p>New Property Identifiers</p> <p>Additional: See Schedule <input type="checkbox"/></p> <p>Executions</p> <p>Additional: See Schedule <input type="checkbox"/></p>	(1) Registry <input checked="" type="checkbox"/> Land Titles <input type="checkbox"/>	(2) Page 1 of 3 pages		
	(3) Property Identifier(s)	Block	Property	Additional: See Schedule <input type="checkbox"/>
	(4) Nature of Document			
	By-Law			
	(5) Consideration			
	Dollars \$			
	(6) Description			
Lot Numbers 7, 8 and 47, Registered Plan No. C-2 and Lot Numbers 1, 2 and 19, Registered Plan No. B-31; SAVE AND EXCEPT those parcels and tracts of land conveyed by Instrument Numbers 204361, 226019, 343279, 434946 and 468964				
(7) This Document Contains:				
(a) Redescription New Easement Plan/Sketch <input type="checkbox"/>				
(b) Schedule for:				
Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input type="checkbox"/>				
(8) This Document provides as follows:				
By-Law No. 90-234 of The Corporation of the City of Kingston, being an amendment to By-Law No. 87-151, "A By-Law to Designate Certain Properties to be of Historic and/or Architectural Value or Interest Pursuant to the Provisions of the Ontario Heritage Act"				
Continued on Schedule <input type="checkbox"/>				
(9) This Document relates to instrument number(s)				
(10) Party(ies) (Set out Status or Interest)				
Name(s)		Signature(s)	Date of Signature Y M D	
THE CORPORATION OF THE CITY OF KINGSTON			90 08 30	
City Clerk			1990	
(11) Address for Service 216 Ontario Street, Kingston, Ontario, K7L 2Z3				
(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		(15) Document Prepared by:		
437 King Street West 11 Livingston Ave., 433 King St. West 431 King St. West 24 Ellerbeck Street 30 Ellerbeck Street		NORMAN C. JACKSON City Solicitor 216 Ontario Street Kingston, Ontario K7L 2Z3		
FOR OFFICE USE ONLY		Fees and Tax		
		Registration Fee	25-	
		Total	7	



BY-LAW NO. 90-234

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BY-LAW NO. 90-234, "A BY-LAW TO AMEND BY-LAW NO. 87-151, 'A BY-LAW TO DESIGNATE CERTAIN PROPERTIES TO BE OF HISTORIC AND/OR ARCHITECTURAL VALUE OR INTEREST PURSUANT TO THE PROVISIONS OF THE ONTARIO HERITAGE ACT', WHICH RECEIVED THREE READINGS BY THE COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON AT ITS REGULAR MEETING HELD AUGUST 28, 1990.

DATED at Kingston, Ontario  
this 30th day of August, 1990

  
Marion E. Rogers  
Clerk  
The Corporation of the City of Kingston

A BY-LAW TO AMEND BY-LAW NO. 87-151, "A BY-LAW TO DESIGNATE CERTAIN PROPERTIES TO BE OF HISTORIC AND/OR ARCHITECTURAL VALUE OR INTEREST PURSUANT TO THE PROVISIONS OF THE ONTARIO HERITAGE ACT" (CORRECT LEGAL DESCRIPTION FOR 437 KING STREET WEST)

PASSED: August 28, 1990

WHEREAS by Subsection (j), Section 3 of By-Law No. 87-151, the property known municipally as 437 King Street West "Copsworth", has been designated as a property of architectural and historical value or interest; and

WHEREAS the legal description for this property, as contained in Schedule "A" to By-Law No. 87-151, requires clarification to ensure that it covers only the property at 437 King Street West and not the abutting properties:

THEREFORE the Council of The Corporation of the City of Kingston enacts as follows:

1. By-Law No. 87-151, entitled "A By-Law to Designate Certain Properties to be of Historic and/or Architectural Value or Interest Pursuant to the Provisions of the Ontario Heritage Act," is hereby amended as follows:

A. Schedule "A" to By-Law No. 87-151 is hereby amended by deleting therefrom the following legal description for 437 King Street West "Copsworth" on page 12:

"ALL AND SINGULAR those certain parcels and tracts of land and premises situate, lying and being in the said City of Kingston, in the County of Frontenac, and known by the name of the Michael Doran Homestead property and which land hereby conveyed or intended so to be may be described as follows, that is to say as consisting of: FIRSTLY - Lots numbers seven, eight and forty-seven as laid down on a plan of the South West part of Lot twenty-one in the first concession of the Township of Kingston, now in the City of Kingston, made by T.W. Nash, P.L.S., and registered in the Registry Office for the said City

1.A. (cont'd)


of Kingston on the 11th day of July, 1877. SECONDLY - Lots numbers one and two fronting on the North side of King Street and lot number nineteen fronting on the West side of Ellerbeck Place, which lands are more particularly described in instrument numbers 168962 and 23002.";

and substituting therefor the following legal description:

"ALL AND SINGULAR those certain parcels and tracts of land and premises situate, lying and being in the City of Kingston, in the County Frontenac and being composed of Lot Numbers 7, 8 and 47, Registered Plan No. C-2 and Lot Numbers 1, 2 and 19, Registered Plan No. B-31; SAVE AND EXCEPT those parcels and tracts of land conveyed by Instrument Number 434946 registered August 29, 1986 (11 Livingston Avenue); Instrument Number 204361 registered October 20, 1970 (433 King Street West); Instrument Number 226019 registered July 31, 1972 (431 King Street West); Instrument Number 343279 registered January 9, 1981 (24 Ellerbeck Street); and Instrument No. 468964 registered January 20, 1988 (30 Ellerbeck Street)."

2. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the lands described in the foregoing amendment to Schedule "A" in the Land Registry Office at Kingston, Ontario.
3. The City Clerk is hereby authorized to cause a copy of this By-Law to be served on the owners of the lands described in the foregoing amendment to Schedule "A" and on The Ontario Heritage Foundation.
3. This by-law shall come into force and take effect on its passing.

GIVEN THREE READINGS AND FINALLY PASSED August 28, 1990

  
CITY CLERK

  
MAYOR



*M. Rogers*

CORPORATION OF THE  
CITY OF KINGSTON

OFFICE OF THE

City Solicitor  
Our Ref. No. 87-267

CITY HALL

KINGSTON, ONTARIO  
K7L 2Z3  
(613) 546-4291

January 2, 1991  
(613) 546-4292 (FAX)  
(613) 546-2916 (T D O)

Gordon McDiarmid, Esq.  
Barrister and Solicitor  
3 Rideau Street  
P.O. Box 1010  
Kingston, Ontario  
K7L 4X8.

Dear Sir:

Re: Heritage Designation - 433 King St. West

You will recall that a by-law to amend By-Law No. 87-151 with respect to the historic designation of the property at 437 King Street West was registered on August 3, 1990 as instrument number 536794. Since then, the Registrar requested that the property description on page 1 of the document be amended by indicating that Lots 1, 2 and 19 of Registered Plan No. B-31 are located on the north side of Ellerbeck Street.

This has now been done and I enclose for your records a copy of a Declaration registered on December 19, 1990 as Instrument No. 543901.

Yours truly,

  
Norman C. Jackson  
City Solicitor.

\*cg  
Encl.

c.c. to: Mrs. Marion Rogers, City Clerk.

DEPARTMENT OF  
TREASURY

1991 JAN 2 1000

RECEIVED



# Document General

Form 4 — Land Registration Reform Act, 1984

DYE & DURHAM CO. LIMITED  
Form No. 985

**D**

<div>FOR OFFICE USE ONLY</div> <div>543901</div> <div>CERTIFICATE OF REGISTRATION</div> <div>1088 DEC 19 1990</div> <div>Sr. Dep. Land Registrar</div> <div>Frontenac</div> <div>No. 13 Kingston</div> <div>Additional: See Schedule <input type="checkbox"/></div> <div>Executions</div> <div>Additional: See Schedule <input type="checkbox"/></div>	(1) Registry <input checked="" type="checkbox"/> Land Titles <input type="checkbox"/>	(2) Page 1 of 2 pages		
	(3) Property Identifier(s)	Block	Property	Additional: See Schedule <input type="checkbox"/>
	(4) Nature of Document <b>DECLARATION</b> Deposit pursuant to Sections 22 and <del>29(1)</del> of the Registry Act, R.S.O. 1980, c. 445, as amended			
	(5) Consideration Dollars \$			
	(6) Description Lot Numbers 7, 8 and 47, Registered Plan No. C-2, and Lot Numbers 1, 2 and 19, Registered Plan No. B-31 on the north side of Ellerbeck; SAVE AND EXCEPT those parcels and tracts of land conveyed by Instrument Numbers 204361, 226019, 343279, 434946 and 468964			
(7) This Document Contains:		(a) Redescription New Easement Plan/Sketch <input type="checkbox"/>	(b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input type="checkbox"/>	

(8) This Document provides as follows:

Statutory Declaration pursuant to Section 22 of the Registry Act, R.S.O. 1980, c. 445, as amended, to correct legal description.

Continued on Schedule ☐

(9) This Document relates to instrument number(s) 536794		
(10) Party(ies) (Set out Status or Interest) Name(s)	Signature(s)	Date of Signature Y M D
THE CORPORATION OF THE CITY OF KINGSTON	<i>[Signature]</i> City Clerk	1990 12 10
(11) Address for Service 216 Ontario Street, Kingston, Ontario K7L 2Z3		
(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 437 King Street West 11 Livingston Avenue 433 King Street West 431 King Street West 24 Ellerbeck Street 30 Ellerbeck Street	(15) Document Prepared by: NORMAN C. JACKSON City Solicitor 216 Ontario Street Kingston, Ontario K7L 2Z3	Fees and Tax Registration Fee    T tal

2

IN THE MATTER OF Section 22 of the  
Registry Act, R.S.O. 1980, c. 445;

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STATUTORY DECLARATION

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I, NORMAN CHARLES JACKSON, of the City of  
Kingston in the County of Frontenac,

DO SOLEMNLY DECLARE:

1. That I am the City Solicitor for The Corporation  
of the City of Kingston, and as such have  
knowledge of the matters herein deposed to.
2. That the City is a party to the Document General  
registering By-Law No. 90-234, which Document  
General was registered on August 31, 1990, as  
Instrument No. 536794, which affects the  
following lands:  
  
Lot Numbers 7, 8 and 47, Registered Plan No. C-2,  
and Lot Numbers 1, 2 and 19, Registered Plan No.  
B-31; SAVE AND EXCEPT those parcels and tracts of  
land conveyed by Instrument Numbers 204361,  
226019, 343279, 434946 and 468964.
3. That there is an omission in the Description in  
the Document General. The words "on the north  
side of Ellerbeck" should appear after the words  
and figures "Registered Plan No. B-31".
4. That the correct legal description for the  
Document General registered on August 31, 1990,  
as Instrument No. 536794 is as follows:  
  
Lot Numbers 7, 8 and 47, Registered Plan No. C-2,  
and Lot Numbers 1, 2 and 19, Registered Plan No.  
B-31 on the north side of Ellerbeck; SAVE AND  
EXCEPT those parcels and tracts of land conveyed  
by Instrument Numbers 204361, 226019, 343279,  
434946 and 468964.

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.

SWORN before me at the City )  
of Kingston, in the County )  
of Frontenac, this 10<sup>th</sup> day )  
of December A.D. 1990. )

  
NORMAN CHARLES JACKSON

  
A Commissioner Etc.

**JANET PAULINE MURPHY, a Commissioner,**  
etc. County of Frontenac, for the  
Corporation of The City of Kingston.  
Expires June 12, 1993.

BY-LAW NO. 90-234

A BY-LAW TO AMEND BY-LAW NO. 87-151, "A BY-LAW TO  
DESIGNATE CERTAIN PROPERTIES TO BE OF HISTORIC AND/OR  
ARCHITECTURAL VALUE OR INTEREST PURSUANT TO THE PROVISIONS  
OF THE ONTARIO HERITAGE ACT" (CORRECT LEGAL DESCRIPTION  
FOR 437 KING STREET WEST)

NORMAN C. JACKSON  
COMMISSION SOLICITOR