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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.

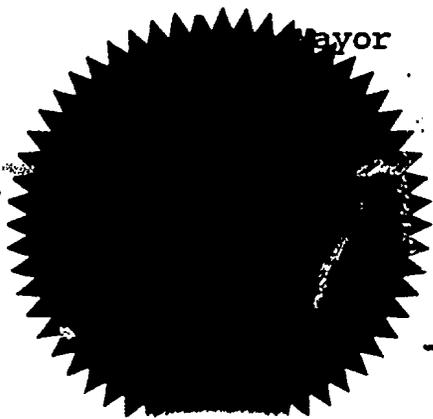
PASSED this 24th day of April

A.D. 1990.

*[Signature]*  
City Clerk

*[Signature]*  
Mayor

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



CERTIFIED A TRUE COPY

*[Signature]*  
CITY CLERK

ONTARIO HERITAGE FOUNDATION  
MAY 28 1990  
*[Signature]*

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 Neighbourhood, 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.