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THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 1594-83

BEING A BY-LAW TO DESIGNATE THE STRUCTURE KNOWN MUNICIPALLY AS 122, 124, 126, 128 AND 130 BYRON STREET NORTH AS BEING OF ARCHITECTURAL AND HISTORICAL VALUE AND INTEREST

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O., 1980, c. 337, authorizes the Council of a municipality to designate property, as defined therein, to be of architectural and historical value and interest;

AND WHEREAS the Council of the Corporation of the Town of Whitby has caused to be served on the owners of the lands and premises known as 122, 124, 126, 128 and 130 Byron Street North, Whitby, Ontario, and upon The Ontario Heritage Foundation, notice of intention to designate the structure at the aforesaid address and has caused such notice to be published in a newspaper having general circulation in the municipality;

AND WHEREAS no notice of objection to the proposed designation has been served on the Clerk of the municipality in accordance with the provisions of said Act;

NOW, THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

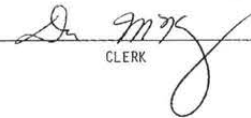
1. That the exterior of the property known as The Terrace at 122, 124, 126, 128 and 130 Byron Street North, Whitby, Ontario, more particularly described in Schedules "A", "B", "C", "D" and "E" respectively hereto attached, be and the same is hereby designated as being of architectural and historical value and interest in accordance with the provisions of the Ontario Heritage Act, R.S.O., 1980, c. 337. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building provided that any and all changes shall be in keeping with the original and present character of the building and are carried out in consultation with the Local Architectural Conservation Advisory Committee for the Town of Whitby.
2. That the municipal solicitor is hereby authorized to cause a copy of this By-law, together with the reasons for designation, to be registered against the aforesaid properties in the proper land registry office.

The Corporation of the Town of Whitby

By-law No. 1594-83

3. That the Clerk is hereby authorized to cause a copy of this By-law to be served on the owner of the aforesaid property and on The Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation in the municipality once for each of three consecutive weeks.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28TH DAY OF NOVEMBER A.D., 1983.


CLERK


MAYOR

SCHEDULE "A"

122 Byron Street North,
Whitby

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Whitby, in the Regional Municipality of Durham, (formerly in the Town of Whitby, in the County of Ontario) and being composed of part of Lot 47 on the west side of Byron Street and part Lot 90 on the east side of Centre Street as shown on Perry's Plan, now Plan H-50030, being more particularly described as Part 1, on Plan 40R-7272, together with a right-of-way over Part 2, on Plan 40R-7272.

SCHEDULE "B"

124 Byron Street North,
Whitby

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Whitby, in the Regional Municipality of Durham (formerly the County of Ontario) and being composed of part of Lot 47 on the west side of Byron Street according to Perry's Plan (now Plan H-50030) of the Town of Whitby, more particularly described as follows:

PREMISING that portion of Lot 47, on the west side of Byron Street more particularly described as follows:

COMMENCING at a point on the westerly limit of Byron Street, 35 feet distant from the south-east angle of said Lot 47;

THENCE North along the westerly limit of Byron Street, 20 feet 9½ inches to a point;

THENCE following a line running south 73 degrees 26 minutes west and continuing along the centre line of party wall between the house on the lands hereby conveyed and the house lying immediately adjacent thereto to the north thereof, in all a distance of 105 feet 7 inches to a point;

THENCE South 16 degrees 18 minutes east 19 feet 10½ inches to a point;

THENCE in a line running north 73 degrees 26 minutes east and continuing along the centre line of party wall between the house on the lands hereby conveyed and the house lying immediately adjacent thereto to the south thereof in all a distance of 105 feet 6 inches to the point of commencement.

TOGETHER WITH a right-of-way to the owners and occupiers, their servants and agents of Lots 47, 48, 89 and 90 for the purpose of ingress and egress only over, along and upon that part of said lots 47, 48, 89 and 90 more particularly described as follows:

COMMENCING at the south-west angle of said Lot 90;

THENCE along the southerly limit of said lot north 73 degrees 26 minutes east 122 feet 3½ inches to a point;

THENCE north 16 degrees 18 minutes west 14 feet 5 inches to a point;

THENCE easterly parallel to the southerly limit of said Lot, 14 feet 9 inches to a point;

THENCE North 16 degrees 18 minutes west 65 feet 2½ inches;

THENCE South 73 degrees 26 minutes west 28 feet to a point;

THENCE South 16 degrees 18 minutes east 62 feet 7½ inches to a point;

THENCE South 73 degrees 26 minutes west, 109 feet to a point in the westerly limit of said Lot 90;

THENCE Southerly along the said westerly limit 12 feet to the point of commencement;

TOGETHER WITH a right-of-way for the purpose of ingress and egress only to the owners and occupiers, their servants and agents of Lots 47, 48, 89 and 90 over a strip of land out of the said parcel 5 feet in width, more particularly described as follows:

SCHEDULE "B" (CONTINUED)

COMMENCING at the north-east angle of said Lot 48;

THENCE westerly along the northerly limit of said Lot 110 feet 11 inches to a point;

THENCE South 16 degrees 18 minutes east 57 feet 5½ inches to a point;

THENCE North 73 degrees 26 minutes east 5 feet to a point;

THENCE North 16 degrees 18 minutes west 49 feet 5 inches to a point;

THENCE North 28 degrees 49 minutes east 4 feet 3 inches to a point;

THENCE Easterly in a straight line 102 feet 10½ inches to a point in the easterly limit of said lot distant 5 feet southerly from the north-east angle of said lot;

THENCE Northerly along said easterly limit 5 feet to the point of commencement.

SCHEDULE "C"

126 Byron Street North
Whitby

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Whitby in the Regional Municipality of Durham (formerly in the Town of Whitby, in the County of Ontario), and being composed of part of Lots 47, 48, 89 and 90, as shown on Plan H-50030 (formerly Perry's Plan West of Brock Street), for the said Town, which said parcel may be more particularly described as follows:

PREMISING that the bearing of the west limit of the said Lot 48 is North 16 degrees 00 minutes 00 seconds West and relating all bearings used herein thereto;

FIRSTLY:

COMMENCING at a point in the east limit of the said Lot 48, distant southerly therein 55.83 feet from the north-east angle of the said Lot 48, as defined by M.M. Gibson, O.L.S., September 28, 1920;

THENCE South 73 degrees 26 minutes West to the centre line of a partition wall presently standing on the said lot, a distance of 19.58 feet;

THENCE South 72 degrees 30 minutes 50 seconds West along the said centre line, a distance of 50.21 feet;

THENCE South 73 degrees 19 minutes 40 seconds West along the line of a board fence to a point in line with a fence running southerly, a distance of 35.99 feet;

THENCE South 16 degrees 57 minutes 30 seconds East along the last mentioned fence to a point in line with a fence running easterly, a distance of 19.16 feet;

THENCE North 73 degrees 12 minutes 50 seconds East along the last mentioned fence to the centre line of a partition wall presently standing on the said Lot 47, a distance of 35.69 feet;

THENCE North 73 degrees 32 minutes 50 seconds East along the last mentioned centre line, a distance of 50.17 feet;

THENCE North 73 degrees 26 minutes East to a point of intersection with the east limit of the said Lot 47, a distance of 19.60 feet;

THENCE North 16 degrees 00 minutes West along the said east limits of Lots 47 and 48, a distance of 19.87 feet to the point of commencement.

SECONDLY:

COMMENCING at a point in the said Lot 89, which may be located as follows:-

BEGINNING at a point in the west limit of the said Lot 89, distance southerly therein 59.12 feet from the north-west angle thereof;

THENCE North 73 degrees 26 minutes East, a distance of 105.0 feet to the Point of Commencement;

THENCE from the point of commencement North 83 degrees 49 minutes 30 seconds East along the line of a fence, a distance of 2.29 feet;

THENCE North 73 degrees 19 minutes 40 seconds East and continuing along said fence, a distance of 1.46 feet;

SCHEDULE "D"

128 Byron Street North,
Whitby

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Whitby, in the Regional Municipality of Durham (formerly in the County of Ontario) and being composed of part of Lot Number 48 on the West side of Byron Street and part of Lot Number 89 on the East side of Centre Street, both according to Plan H-50030, formerly Perry's Plan West of Brock Street, more particularly described as follows:-

COMMENCING at a point in the westerly limit of Byron Street and distant 35 feet, 6 inches measured southerly therein from the northeasterly angle of the said Lot Number 48;

THENCE in a southerly direction in and along the easterly limit of the said Lot Number 48 a distance of 20 feet, 4 inches;

THENCE South 73 degrees, 26 minutes west a distance of 19 feet 9½ inches to the centre line of partition wall between the house on the lands herein conveyed and the house to the south hereof;

THENCE following the said centre line of partition wall a distance of 50 feet, 2½ inches to a point;

THENCE South 73 degrees, 26 minutes West a distance of 65 feet, 5 inches more or less to a point distant on such bearing 107 feet from the westerly limit of the said Lot Number 89;

THENCE in a northerly direction and parallel to the westerly limit of said Lot Number 89 a distance of 22 feet, 9½ inches to a point;

THENCE North 73 degrees, 26 minutes East a distance of 53 feet 4 inches more or less to a point in the westerly face of a frame kitchen;

THENCE in a southerly direction along the westerly face of the said frame kitchen (part of building on the lands immediately to the north thereof) 1 foot, 10 inches to the southwest angle of the said frame kitchen.

THENCE along the southerly face of the said kitchen a distance of 11 feet, 10½ inches to the southeast angle of said kitchen;

THENCE in a northerly direction 1 foot, 10 inches to the main centre line of the party wall between the house on the lands hereby conveyed and the house immediately adjoining to the north thereof;

THENCE in an easterly direction along the said centre line a distance of 19 feet, 11½ inches to a point;

THENCE Southerly following a jog in the said centre line 1 foot, 9½ inches;

THENCE in an easterly direction following the said centre line a distance of 30 feet, 3 inches to a point in the easterly face of the said building;

THENCE North 73 degrees, 26 minutes East a distance of 19 feet, 10½ inches to the place of commencement;

SUBJECT however to a right-of-way for purpose of ingress and egress only to the owners or occupiers, their servants and agents of Lots Forty-Seven, Forty-Eight, Eighty-Nine and Ninety over a strip of land out of the said Parcel Five feet (5') in width, more particularly described as follows:-

SCHEDULE "C" (CONTINUED)

THENCE South 16 degrees 30 minutes 40 seconds East, a distance of 19.02 feet;

THENCE South 73 degrees 26 minutes West, a distance of 3.0 feet;

THENCE North 18 degrees 37 minutes 10 seconds West, a distance of 19.44 feet more or less to the Point of Commencement;

TOGETHER WITH a right of way for purpose of ingress and egress only to the owners and occupiers, their servants and agents of Lots 47, 48, 89 and 90, over a strip of land out of the said parcel 5 feet in width, more particularly described as follows:

COMMENCING at the North-east angle of said Lot 48;

THENCE Westerly along the northerly limit of said lot, 110 feet 11 inches to a point;

THENCE South 16 degrees 18 minutes East 57 feet 5½ inches to a point;

THENCE North 73 degrees 26 minutes East 5 feet to a point;

THENCE North 16 degrees 18 minutes West 49 feet 5 inches to a point;

THENCE North 28 degrees 49 minutes East 4 feet 3 inches to a point;

THENCE Easterly in a straight line 102 feet 10½ inches to a point in the easterly limit of said lot, 5 feet southerly from the north east angle of said lot;

THENCE Northerly along the said easterly limit 5 feet to the Point of Commencement.

TOGETHER WITH a right of way to the owners and occupiers, their servants and agents of Lots 47, 48, 89 and 90 for the purpose of ingress and egress only over, along and upon that part of said Lots 47, 48, 89 and 90 more particularly described as follows:-

COMMENCING at the south west angle of said Lot 90;

THENCE along the southerly limit of said Lot North 73 degrees 26 minutes East 122 feet 3½ inches to a point;

THENCE North 16 degrees 18 minutes West 14 feet 5 inches to a point;

THENCE Easterly parallel to the southerly limit of said lot 14 feet 9 inches to a point;

THENCE North 16 degrees 18 minutes West 60 feet 2½ inches;

THENCE South 73 degrees 26 minutes West 28 feet to a point;

THENCE South 16 degrees 18 minutes East 62 feet 7½ inches to a point;

THENCE South 73 degrees 26 minutes West 109 feet to a point in the westerly limit of said Lot 90;

THENCE southerly along the said westerly limit 12 feet to the Point of Commencement.

SCHEDULE "D" (CONTINUED)

COMMENCING at a point in the westerly limit of Lot Eighty-Nine distant Thirty-Six feet four inches (36' 4") from the north-west angle of said Lot;

THENCE North Seventy-three degrees; Twenty-Six minutes East (N73° 26' E) One Hundred and Thirty-One feet; seven inches (131' 7") to a point; being the point of commencement;

THENCE continuing easterly five feet (5');

THENCE South sixteen degrees, eighteen minutes east (S16°18'E) Twenty-Two feet, nine and one-half inches (22'9½") to a point,

THENCE South Seventy-three degrees, Twenty-six minutes West (S73°26'W) Five feet (5') to a point,

THENCE North sixteen degrees, eighteen minutes east (N16°18'W) Twenty-two feet, nine and one-half inches (22'9½") to the point of commencement;

TOGETHER WITH a right-of-way to the owners and occupiers, their servants and agents of Lots Forty-seven, Forty-eight, Eighty-nine and Ninety for the purpose of ingress and egress only over, along and upon a strip of land out of the said parcel Five feet (5') in width, more particularly described as follows:-

COMMENCING at the North-east angle of said Lot Forty-eight;

THENCE Westerly along the northerly limit of said Lot, One Hundred and Ten Feet, Eleven inches (110' 11") to a point,

THENCE South Sixteen degrees, Eighteen minutes East (S16°18'E) Thirty-four feet, eight inches (34'8") to a point;

THENCE North Seventy-three degrees, twenty-six minutes east (N73° 26'E) five feet (5') to a point;

THENCE North Sixteen Degrees, eighteen minutes West (N16 18W) Twenty-six feet, seven and one-half inches (26'7½") to a point;

THENCE North Twenty-eight degrees, Forty-nine minutes East (N28° 49'E) four feet, three inches (4'3") to a point;

THENCE Easterly in a straight line, One Hundred and Two feet, Ten and one-half inches (102'10½") to a point in the easterly limit of said Lot distant five feet (5') southerly from the North East angle of said Lot;

THENCE Northerly along the said easterly limit five feet (5') to the point of commencement.

TOGETHER WITH a right-of-way to the owners and occupiers, their servants and agents, of Lots Forty-Seven, Forty-eight, Eighty-nine and Ninety for the purpose of ingress and egress only over, along and upon that part of said Lots Forty-Seven, Forty-eight, Eighty-nine and Ninety, more particularly described as follows:-

COMMENCING at the south-west angle of said Lot Ninety;

THENCE along the Southerly limit of said Lot North Seventy-three degrees Twenty-six minutes east (N73° 26'E) One Hundred and Twenty-two feet, three and one-half inches (122' 3½") to a point,

THENCE North Sixteen degrees eighteen minutes west (N16° 18'W) Fourteen feet, five inches (14'5") to a point;

THENCE easterly parallel to the southerly limit of said Lot, fourteen feet, nine inches (14'9") to a point,

THENCE North Sixteen degrees, Eighteen minutes west (N16°18'W) Sixty feet, two and one-half inches (60'2½")

SCHEDULE "D" (CONTINUED)

THENCE South Seventy-three degrees, twenty-six minutes West (S73° 26'W) Twenty-eight feet (28') to a point,

THENCE South sixteen degrees eighteen minutes east (S16°18'E) sixty-two feet, seven and one-half inches (62'7½") to a point,

THENCE South seventy-three degrees, twenty-six minutes west (S73 26' W) One Hundred and Nine feet (109') to a point in the westerly limit of said Lot Ninety,

THENCE Southerly along the said westerly limit twelve feet (12') to the point of commencement, all as outlined as shown on blue print of survey, attached to registered instrument 8487, for the Town of Whitby.

SCHEDULE "E"

130 Byron Street North,
Whitby

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Whitby, in the Regional Municipality of Durham and Province of Ontario (formerly in the County of Ontario) and being composed of Part of Lot 48 on the West side of Byron Street according to Plan H-50030, formerly Perry's Plan West of Brock Street and designated as Parts 1, 2 and 3 on Plan 40R-2034 deposited in the Registry Office for the Registry Division of Durham (No. 40) (formerly the Registry Division of Ontario County) on the 31st day of October, 1974.

SUBJECT however to a right of way for purpose of ingress and egress only to the owners and occupiers, their servants and agents of Lots 47, 48, 89 and 90, Plan H-50030, formerly Perry's Plan West of Brock Street and designated as Part 2 on the said Plan 40R-2034.

REASONS FOR DESIGNATION

(a) Historical

The Terrace was built in 1857 by Robert Perry, son of Peter Perry, one of Whitby's founding fathers. The Terrace was a fashionable address for professional men and their offices until the 1930's. Noteworthy owners and residents of The Terrace include William Barnes, Dr. Wellington Adams and Robert Alexander Hutchison, Public School Inspector for South Ontario County from 1913-1943.

(b) Architectural

The Terrace is probably one of the finest examples of 19th Century small-town Ontario row housing still standing in Ontario. The significant architectural features include the general brick-work, molding and framing of the building as well as the original remaining porches, parapets, doors and transoms, bay windows, roof and dormers.