Province of Ontario

Document General

Form 4 — Land Registration Reform Act, 1984

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NUMBER 566701
CERTIFICATE OF REGISTRATION

1988 JAN 19 A 10:34

WELLINGTON SOUTH
No. 61
GUELPH.

LAND REGISTRAR

(1) Registry [X] Land Titles [ ]

(2) Page 1 of 9 pages

(3) Property Identifier(s) Block Property Additional: See Schedule [ ]

(4) Nature of Document

BY-LAW

(5) Consideration

Dollars $

(6) Description CITY OF GUELPH, COUNTY OF WELLINGTON, all according to Registered Plan 751: Lot 4; Parts of Lot 3 being Part 11, Reference Plan 61R-3816 and Part 5, Reference Plan 61R-4111; Parts of Lot 5 being Parts 3 and 18, Reference Plan 61R-3816; Parts of Lot 6, being Parts 2, 20 and 21, Reference Plan 61R-3816, Parts of Lot 7 being Parts 1 and 22, Reference Plan 61R-3816; and Parts of Block 11, being Part 10, Reference Plan 61R-3816 and Parts 1, 4 and 6, Reference Plan 61R-4111.

New Property Identifiers Additional: See Schedule [ ]

Executions Additional: See Schedule [ ]

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

(8) This Document provides as follows:

Designation of the described lands as items of architectural and historical significance under The Ontario Heritage Act, R.S.O. 1980.

Continued on Schedule [X]

(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 GUELPH	John Counsell MAYOR	1988	01	13
	CLERK	1988	01	13

(11) Address for Service City Hall, 59 Carden Street, Guelph, Ontario, N1H 3A1.

(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

20 Stuart Street
and 26 Stuart Street

(15) Document Prepared by:

Lois A. Giles,
City Clerk,
City Hall, 59 Carden Street,
Guelph, Ontario,
N1H 3A1.

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Fees and Tax	
Registration Fee	20
Total	20

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (1986) -12310

A by-law to designate portions of "Ker Cavan", being the structure at 20 Stuart Street, the coach-house structure at 26 Stuart Street and the property upon which the two structures are located, being Part of Lot 6, Range No. 1, Division "F", as items of architectural and historical significance.

The Council of The Corporation of the City of Guelph, **ENACTS AS FOLLOWS:**

WHEREAS the Ontario Heritage Act, R.S.O. 1980, authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, or portions thereof, to be of historical or architectural value or interest; and

WHEREAS the Council of the Corporation of the City of Guelph has caused to be served upon the owner of the lands and premises known as "Ker Cavan", located at 20 and 26 Stuart Street and situated upon Part of Lot 6, Range No. 1, Division "F", formerly in the Township of Guelph, and upon the Ontario Heritage Foundation, notice of intention to so designate portions of the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality once for each of three consecutive weeks; and

WHEREAS the reasons for designation were set out in Schedule "B" attached hereto; and

WHEREAS the objections submitted to the City Clerk by the owner were withdrawn and the objections submitted to the City Clerk by the prospective purchasers were considered by the Conservation Review Board at a hearing on September 4, 1986, in accordance with Section 29,

Subsections 8 to 11, of the Ontario Heritage Act, R.S.O. 1980; and

WHEREAS the Conservation Review Board reported its findings to City Council in accordance with Subsection 12 of Section 29 of the Ontario Heritage Act, R.S.O. 1980,

NOW THEREFORE, the Council of the Corporation of the City of Guelph **ENACTS AS FOLLOWS:**

1. There is designated as being of historic and architectural value and interest the portions of the buildings and structures at 20 Stuart Street and 26 Stuart Street, and portions of the property upon which they are located, all of which are more particularly specified in Schedule "C" to this by-law.

2. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the properties described in Schedule "A" attached hereto, in the proper land registry office.

3. The City Clerk is hereby authorized to cause a copy of this by-law to be served upon the owners of the aforesaid properties and upon the Ontario Heritage Foundation and to cause notice of this by-law to be published in a newspaper having general circulation in the City of Guelph.

PASSED this third day of November, , 1986.

MAYOR

CLERK

I hereby certify that the above copy of a by-law is a true copy of By-law Number (1986)-12310 of the City of Guelph, passed on the 3rd day of November, 1986

IN TESTIMONY WHEREOF are hereunto set the seal of The Corporation of the City of Guelph and the hand of the City Clerk of the said Corporation this 13th day of January, 1988.

City Clerk

BY-LAW NUMBER (1986)-12310

SCHEDULE "A"

PROPERTIES UPON WHICH DESIGNATION IS TO BE REGISTERED

All and singular, those certain parcels or tracts of land and premises situate, lying, and being in the City of Guelph, in the County of Wellington, all being Part of Lot 6, Range No. 1, Division "F", formerly in the Township of Guelph, and comprising the following separate lots within a registered plan:

1. Lot 3, Registered Plan 751
2. Lot 4, Registered Plan 751
3. Lot 5, Registered Plan 751
4. Lot 6, Registered Plan 751
5. Lot 7, Registered Plan 751
6. Block 11, R.P.751

BY-LAW NUMBER (1986) - 12310

SCHEDULE "B"

STATEMENT OF REASONS FOR DESIGNATION

"KER CAVAN" 20 AND 26 STUART STREET, GUELPH, ONTARIO

Probably Guelph's most significant house architecturally and historically. One of the few surviving examples in Canada of the Tudor type of the Gothic Revival style.

Built 1854-56 for Rev. Arthur Palmer of St. George's Anglican Church, later Archdeacon of Toronto. Design features are typical of Sir Charles Barry, leading British architect of the Victorian era. More likely designed by William Thomas, Toronto, or Frederick J. Rastrick, Hamilton, both prominent Canadian architects of the mid-19th Century and both acquaintances of Sir Charles Barry.

Owned by Archdeacon Palmer until 1875. Later owned by Alexander B. Petrie, Senior, Druggist and Manufacturer, and his family, for about 40 years; by Henry B. Higinbotham, retired international insurance executive, and his wife, between 1925 and 1954, and by Brigadier Kenneth Torrance, retired, until his death in October 1958. Since 1960, the house has served as a nursing home and rest home and as the family home for the operators, Ernest and Agnes Przekop.

Appearance of the original southwesterly facade is known as it is illustrated in bas-relief on the main fireplace mantel-piece of "Sunnyside" (16 Arthur Street North). The house was expanded and altered circa 1875. H. Reginald Coales, Architect, was responsible for further enlargement and sensitive remodelling during the period 1925-1928.

The following exterior elements of the main house, at 20 Stuart Street, are to be designated due to their architectural significance:

(a) All of the existing stone walls and structures and the form of the openings in those walls and structures, except for the deepening of two second-floor windows in the southeast wall to become doors.

(b) The form and massing of the roofs, including the matching set of existing dormers.

(c) The general outward appearance of all existing windows, including vertical mullions, except for two second-floor windows in the southeast wall, which may become compatible doors.

(d) The main Stuart Street door, unless replaced by a door more in keeping with residential design of the period 1850-1875.

(e) The existing chimneys.

Inside, the following features are to be designated due to their architectural significance:

(a) 19th-Century plaster ceilings, medallions and mouldings in the library and living room, including ears of maize, Tudor roses and Classical rosettes.

(b) 19th-Century fireplaces in the living room and library.

(c) The staircase in the main hall.

(d) All Gothic arches in, or opening onto, the main hall at the ground and second floor levels.

(e) Two original wooden doors, with tops in the form of a pointed Gothic arch, opening off the main hall at the second floor level.

(f) Original wooden doors opening off the ground floor main hall featuring a vertical centre-groove.

(g) Finished wood-panelled window enclosures and finished wooden interior shutters in the south-west wall of the library.

(h) Folding interior wooden shutters in the matching oriel windows of the living room and the master bedroom, immediately above the living room.

(i) Built-in bookshelves across the south-east wall of the library.

(j) All leaded glass windows in the exterior walls of the building.

(k) Decorative ceiling in the main entry vestibule, Stuart Street side.

It is understood that later owners may return some non-original features to documented earlier design, if desired.

The areas of land defined by Schedule "C" attached are also designated to ensure that an appropriate setting is retained for the house. This includes all major existing trees within these areas, for as long as they are judged by qualified arborists to be healthy. The designation excludes bushes or hedges and driveways existing at the time of designation and does not prevent use of the designated land for driveway, walkway, garden, swimming pool, patio or any other surface use.

The exterior of the existing coach-house (26 Stuart Street), built circa 1928-1929, is designated as part of the setting, with the exception of the garage doors on the southeasterly wall, the greenhouse and the one-storey addition on the southwesterly wall.

BY-LAW NUMBER (1986) - 12310

SCHEDULE "C"

ELEMENTS OF PROPERTIES DESIGNATED BY THIS BY-LAW

20 Stuart Street (Ker Cavan)

The following exterior elements of the main house, at 20 Stuart Street, are designated by this by-law:

(a) All of the existing stone walls and stone structures and the form of the openings in those walls and structures, except for the deepening of two second-floor windows in the southeast wall to become doors.

(b) The form and massing of the roofs, including the matching set of existing dormers.

(c) The general outward appearance of all existing windows, including vertical mullions, except for two second-floor windows in the southeast wall, which may become compatible doors. Windows of the 1920's which are not evident from the exterior are excluded.

(d) The main Stuart Street door, unless replaced by a door more in keeping with residential design of the period 1850-1875.

(e) The existing chimneys, in their current form and at their current height.

The following interior features are designated by this by-law:

(a) 19th-Century plaster ceilings, medallions and mouldings in the library and living room, including ears of maize, Tudor roses and Classical rosettes.

(b) 19th-Century fireplaces in the living room and library.

(c) The staircase in the main hall.

(d) All Gothic arches in, or opening onto, the main hall at the ground and second floor levels. Those arches already closed, or to be closed in creation of a party wall between north and south units, need not be part of a passageway and may be used as decorative elements.

(e) Two original wooden doors with tops in the form of a pointed Gothic arch opening off the main hall at the second floor level.

(f) Original wooden doors opening off the ground floor main hall featuring a vertical centre-groove.

(g) Finished wood-panelled window enclosures and finished wooden interior shutters in the south-west wall of the library.

(h) Folding interior wooden shutters in the matching oriel windows of the living room and the master bedroom, immediately above the living room. It is understood that these features may be returned from their current painted state to an appropriate wood finish.

(i) Built-in bookshelves across the south-east wall of the

library, complete with glass doors.

(j) All leaded glass windows in the exterior walls of the building. This includes the existing glass in the nine-panel window in the main hall, the dining-room bay window in the north-westerly portion of the house and several smaller stained-glass windows lighting the vestibule and the main hall.

(k) Decorative ceiling in the main entry vestibule, Stuart Street side. This consists of gilt stars against a dark blue background.

It is understood that later owners may return some non-original features to documented earlier design, if desired.

26 Stuart Street (Ker Cavan's Coach-house)

All of the exterior of this structure is designated with the exception of the green-house and one-storey addition at the south-west end and with the exception of the garage doors in the south-easterly wall. It is understood that the stucco portion of the Tudor wall treatment may be renewed or restored to its original colour.

No portion of the interior is affected by this designation.

Portions of the lots included in the designation of grounds and major trees

All of Lot 4, Registered Plan 751, is included in the designated area. Designated areas of lots partially affected are defined by reference plan as follows:

Lot 3, R.P.751

Only Part 11, Reference Plan 61R-3816, and Part 5, Reference Plan 61R-4111, are included in the desingated area.

Lot 5, R.P.751

All of Lot 5 is designated, with the exception of Part 19, Reference Plan 61R-3816.

Lot 6, R.P.751

Only Parts 2, 20 and 21, Reference Plan 61R-3816, are included in the designated area.

Lot 7, R.P.751

Only Parts 1 and 22, Reference Plan 61R-3816, are included in the designated area.

Block 11, R.P.751

Only Part 10, Reference Plan 61R-3816, and Parts 1, 4 and 6, Reference Plan 61R-4111, are included in the designated area.

THIS DEFINES THE FRONT-YARD VIEWS FROM STUART ST.

PAGE 9 OF 9 PAGES

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (1986)- 12310

A by-law to amend By-law Number (1971) - 7666, as amended, known as The Zoning By-law for the City of Guelph.

Read a first and second time at 9:26 o'clock p.m., November 3rd, 1986.

Read and passed in Committee at 9:27 o'clock p.m., November 3rd, 1986.

Read a third time and passed at 9:28 o'clock p.m. , November 3rd, 1986.

SCHEDULE "B"

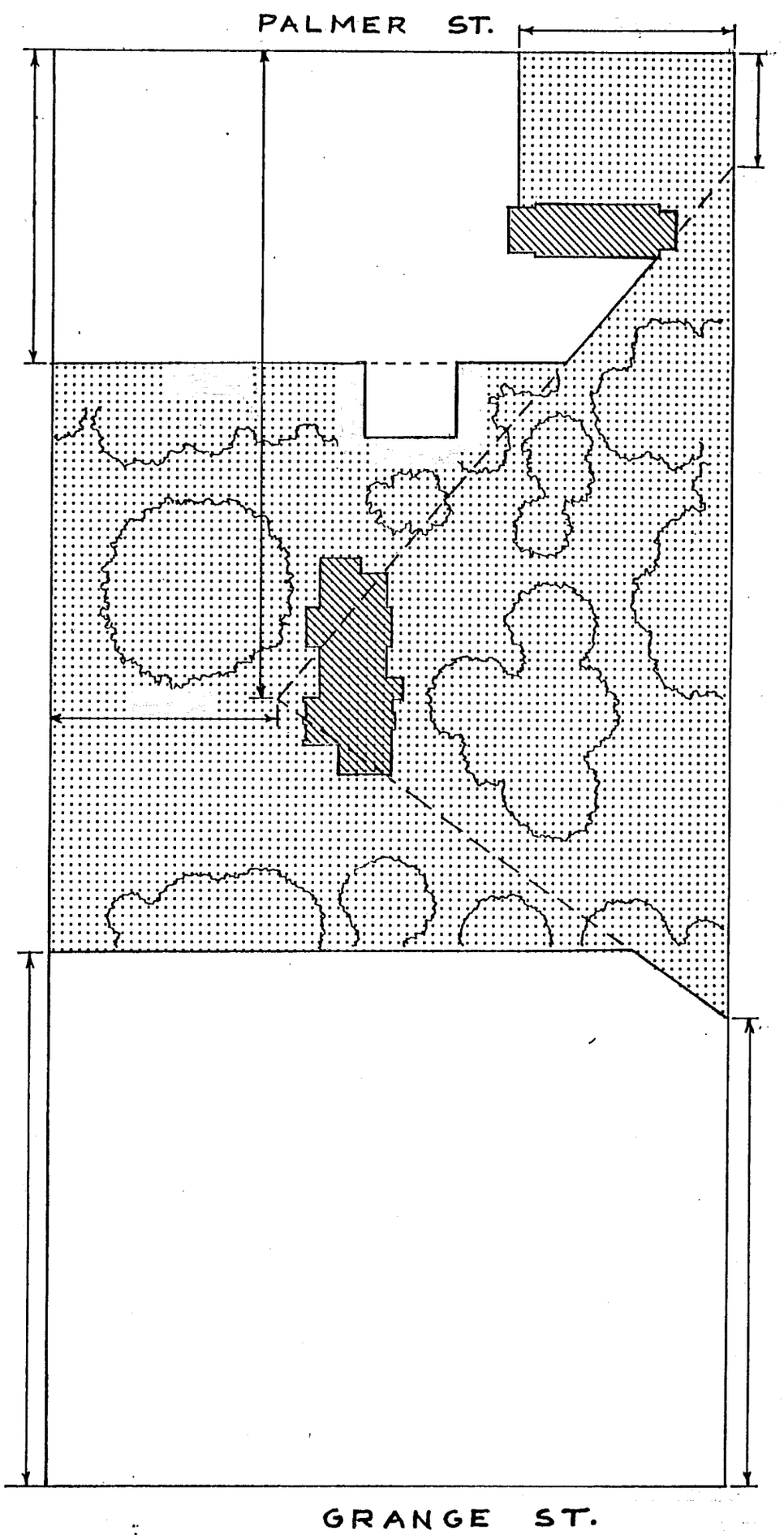


ILLUSTRATION OF FRONT YARD VIEWS PROTECTION