

IN THE MATTER OF THE *ONTARIO HERITAGE ACT*,
RSO 1990, CHAPTER 0.18
AND IN THE MATTER OF THE PROPERTY KNOWN AS

62 Erie Avenue

IN THE CITY OF HAMILTON
IN THE PROVINCE OF ONTARIO.

**NOTICE OF OBJECTION TO RECOMMENDATION TO LIST THE PROPERTY ON
THE MUNICIPAL HERITAGE REGISTER**

TAKE NOTICE that John Paul Kemp (“**Kemp**”), the owner of the lands and premises municipally known as 62 Erie Avenue in the City of Hamilton (“**City**”), in the Province of Ontario, objects to the proposed listing of the Subject Lands on the Municipal Heritage Register, pursuant to subsection 27(7) of the *Ontario Heritage Act*, for the following reasons:

RELEVANT FACTS

1. 62 Erie Avenue is located south of Main Street East, between Victoria Avenue South and Wentworth Street South.
2. Situate at 62 Erie is a detached house, the subject of the proposed listing, which was built in approximately 1905 and which was designed by architects Walter Stewart and William Witton.
3. An identical house, designed and built at the same time as 62 Erie, is located immediately next door to the north, at 58 Erie Avenue.

4. Kemp purchased the Subject Lands approximately 12 years ago.

5. Previous owner(s) of the Subject Lands undertook substantial interior and exterior alterations to the house, including a conversion of the house into a two-family dwelling.

This conversion included:

- a. the construction of a second front entrance,
- b. a major addition to the rear of the house,
- c. replacement of the windows,
- d. installation of vinyl siding on the front gable of the house,
- e. painting of the brickwork, and
- f. other alterations.

REASONS FOR OBJECTION

6. Kemp submits that the house on the Subject Lands does not meet the criteria for inclusion on the Register set out in Section 1(2) of *Ontario Regulation 9/06*.

7. The bay-and-gable design of 62 Erie employed by Stewart and Witton is neither a rare, unique, representative, or an early example of such bay-and-gable design (s. 1(2) 1).

8. The bay-and-gable design, particularly of single detached dwellings, was ubiquitous in the Hamilton and Toronto area in the 19th century. In fact, by the time 62 Erie was built, the bay-and-gable design was beginning to fall out of fashion in the area.
9. Neither is the “craftsmanship” or “artistic merit” of the design particularly noteworthy (s. 1(2) 2).
10. Looking at 62 Erie in the context of the immediate neighbours on Erie Avenue, one would be hard-pressed to see anything noteworthy or remarkable about the house.
11. The property has no particular contextual value, in that it does not define, maintain, or support the character of the area – apart from the mere fact that the historical character of the house “blends in” with its neighbours, which Kemp submits is insufficient to meet this criterion (s. 1(2) 7 and 8).
12. Kemp acknowledges that the home was designed by Hamilton architects Walter Stewart and William Witton, but notes that dozens of other dwellings in Hamilton were also designed by Stewart and Witton. The design and artistic merit of Stewart and Witton’s design of 62 Erie pales in comparison to the design of many of their other accomplishments in the City.

13. In fact, in Kemp's submission, 62 Erie does *not* "demonstrate or reflect" the work of Stewart and Witton, who are better known for their institutional, industrial, and ecclesiastical work in the City (s. 1(2) 6).
14. Kemp also notes that the major alterations made to the house by former owner(s) – all of which were made prior to Kemp's purchase of the Subject Lands approximately 12 years ago – were so substantial as to obviate any cultural or heritage value which the house may have held prior to those alterations. Kemp submits that the neighbouring house at 58 Erie, which has not been so altered, is far better suited to listing on the Register.
15. Recent photographs of the front and rear of 62 Erie are attached.
16. For the foregoing reasons, the house at 62 Erie does not meet the criteria for listing on the Municipal Heritage Register.

All of which is respectfully submitted.

DATED at Hamilton, Ontario, this 16th day of April, 2024.

John Kemp, by his lawyers,

TMA Law
25 Main Street West, Suite 2010
Hamilton, Ontario L8P 1H1

Jennifer Meader
jmeader@tmalaw.ca

Mark A. de Jong
mdejong@tmalaw.ca



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