



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Heritage Advisory Committee  
May 30, 2007

**TO:** Chair and Members of the Heritage Advisory Committee

**SUBMITTED BY:**

A handwritten signature in dark ink, appearing to read "Paul Dunphy".

Paul Dunphy, Director of Community Development

**DATE:** May 7, 2007

**SUBJECT:** Application to De-register 1991B Prince Arthur Street, Halifax

**ORIGIN**

The owner, Mr. Scott Brogan, has made an application to have 1991B Prince Arthur Street (Lot B), Halifax, be de-registered as a municipally registered heritage property.

**RECOMMENDATION**

**It is recommended that the Heritage Advisory Committee recommend to Regional Council that:**

- 1. Council schedule a public hearing to consider the proposed de-registration;**
- 2. 1991B Prince Arthur Street (Lot B) be de-registered;**

## **BACKGROUND**

The owner of 1991B Prince Arthur Street (Lot B) believes its heritage registration to be inappropriate (Attachment A), and has made a formal request to have the property de-registered. The following is relevant historical information relating to this application:

- **November 26, 1981:** 1991 Prince Arthur Street (Pinehurst) was registered by the former City of Halifax (Attachment B).
- **August 20, 1982:** 1991 Prince Arthur Street was subdivided providing a lot for each of the buildings - Lot A is created for Pinehurst (the main building shown on Attachment C), and Lot B is created for a small cottage.
- **October 1991:** The owners of 1991B Prince Arthur Street (Lot B) make a building permit application for 'as-of-right' re-development of the cottage, and it is discovered that the heritage designation continues to be applied to both 1991 and 1991B Prince Arthur Street.
- **November 1991:** Heritage registration of 1991B Prince Arthur St (Lot B) is confirmed by the City of Halifax legal department, and it is decided the best way to expedite the release of the building permit for the cottage is to proceed with a 'heritage review' and then de-register the property.
- **December 1991:** The heritage review of the re-development of the cottage occurred, and the building permit was issued, but the de-registration of Lot B, 1991B Prince Arthur Street, did not.

## **DISCUSSION**

### ***Heritage Value of the Cottage (1991B Prince Arthur Street)***

The cottage was constructed in 1932 to provide a home for Mrs. Robert O'Mullen and her daughter Constance Levis, who, at the time, were the owners of Pinehurst. This enabled the owners to retain ownership of Pinehurst by converting it into an apartment building. The cottage was a small, two storey wood framed building with a shingle exterior. This cottage was later sold and incorporated into a new building in 1991 which no longer resembled the former cottage (Attachment C). Any past heritage value in the cottage was lost during this re-development.

Page III-203 of the 1978 '*Evaluation and Protection System for Heritage Resources in Halifax*' (Attachment D) gave a summary of the historic value of 1991 Prince Arthur Street. The building was named Pinehurst Apartments (formerly Westborne when it was a single family home). This document does not mention another associated building, and supports the position that 1991B Prince Arthur Street (Lot B) was not the intent of the 1982 heritage registration.

### ***Process for De-Registration***

Section 16 of the *Heritage Property Act* sets out the following conditions under which Council may de-register a heritage property:

- 16(1) On the application of an owner of a municipal heritage property or on its own motion, the council may de-register a municipal heritage property where:
- (a) the property has been destroyed or damaged by any cause; or
  - (b) the continued registration of the property appears to the Council to be inappropriate, after holding a public hearing to consider the proposed de-registration.

In this case, the property has not been destroyed or damaged but was affected by a subsequent subdivision of the lands. While Lot B (the cottage) was legally subdivided from the property known as Pinehurst, the heritage registration was not removed from the title of Lot B. Accordingly, Council's heritage registration of 1991 Prince Arthur Street still applies to both Lots A and B. Staff advise that continued registration of 1991B Prince Arthur Street (Lot B) is inappropriate and that the property be de-registered.

### **BUDGET IMPLICATIONS**

None

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

- 1) Council may approve the de-registration of 1991B Prince Arthur Street (Lot B) and this is the recommended course of action.
- 2) Council may refuse to de-register 1991B Prince Arthur Street (Lot B). This is not recommended as it contradicts evidence suggesting the property should have been de-registered at the time of subdivision.

### **ATTACHMENTS**

Map 1	Location Map for 1991B Prince Arthur Street (Lot B)
Attachment A	Letter from owner requesting de-registration of 1991B Prince Arthur Street (Lot B)
Attachment B	Form B - Registration of 1991 Prince Arthur Street, Halifax
Attachment C	Photographs of 1991B Prince Arthur Street (Lot B)
Attachment D	Extract from the 1978 "An Evaluation and Protection System for Heritage Resources in Halifax" for 1991 Prince Arthur Street

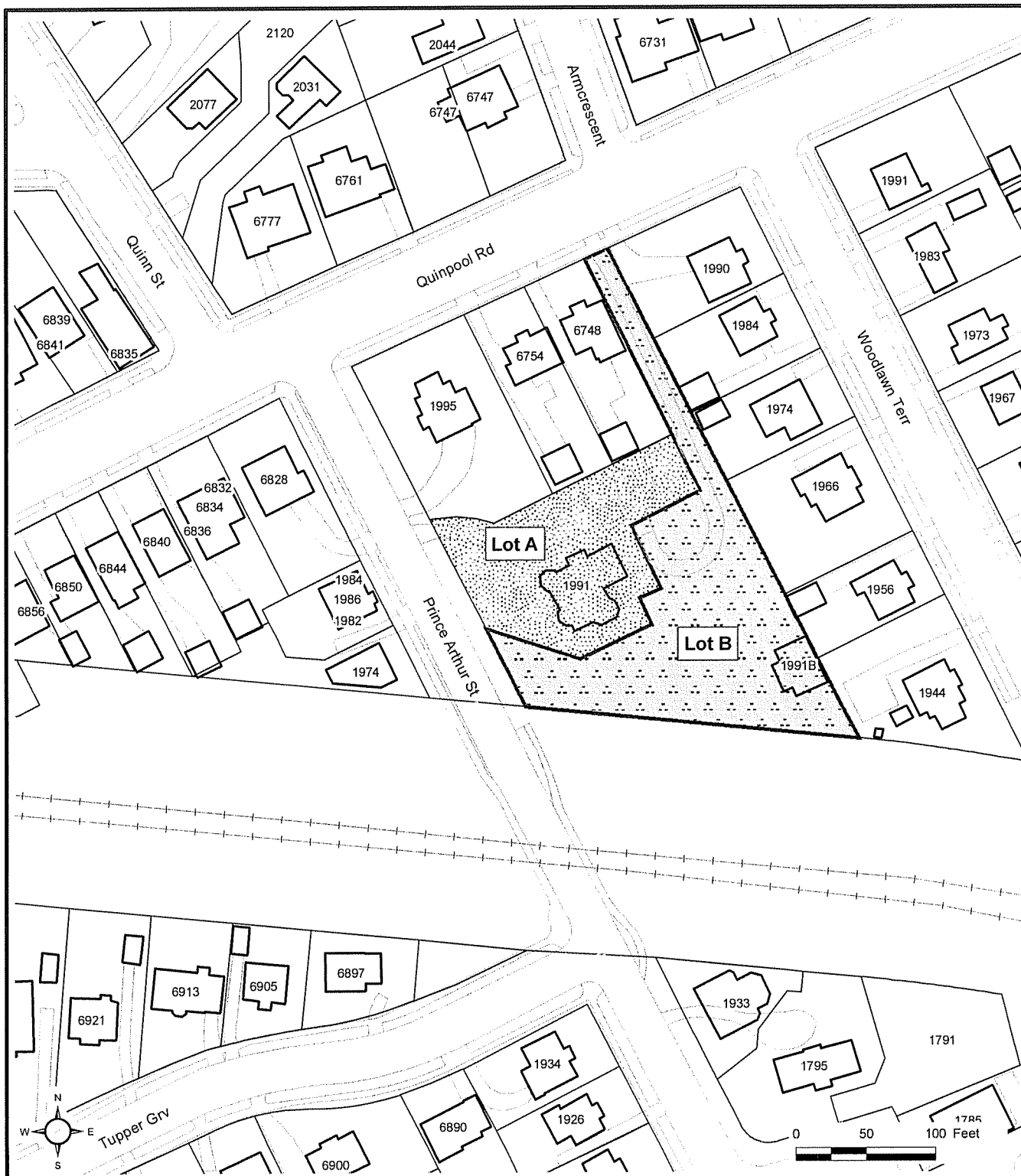
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Maggie Holm, Heritage Planner 490-4419

Report Approved by:





Austin French, Manager, Planning Services 490-6717



Map 1 - Location Map  
**1991B Prince Arthur Street**  
**Halifax**

Halifax Plan Area

-  Heritage site under application for de-registration
-  Heritage property

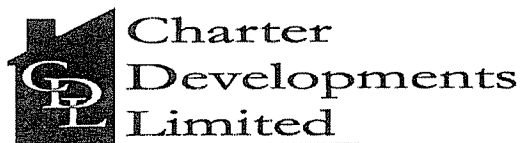
**HALIFAX**  
 REGIONAL MUNICIPALITY  
 PLANNING AND  
 DEVELOPMENT SERVICES

HRM does not guarantee the accuracy  
 of any representation on this plan.

**May 23, 2007**

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**Attachment A**



PO Box 24016 Mic Mac Mall  
Dartmouth NS B3A 4T4  
(902) 468-0667 Administration  
(902) 468-0779 Fax  
(902) 830-3621 Cell

March 8, 2007

Maggie Holm, BA, BDep  
Heritage Planner, HRM  
PO Box 1749  
Halifax NS B3J 3A5

Ms. Holm,

Re: Registration status of 1991B Prince Arthur Street, Halifax.

Further to our discussions regarding the heritage status of the above-mentioned property, I am writing this letter to initiate the de-registration process consistent with current HRM Heritage Policies and Procedures.

You will no doubt recall the meeting held on December 6, 2006, which, in addition to ourselves, was attended by Randa Wheaton and Bill Plaskett. At this meeting it was generally agreed that the heritage designation associated with 1991B Prince Arthur Street was a bi-product of the heritage registration of 1991A Prince Arthur Street, formerly known as Pinehurst.

1991 Prince Arthur Street (Pinehurst) was registered as a heritage property in November 1981, and at the time of registration there were two buildings on the lot, Pinehurst and a smaller cottage at the rear of the property. In August of 1982 a subdivision of the land occurred thereby put each building on its own parcel of land. I believe that the registration was meant to remain with Pinehurst, 1991A Prince Arthur Street, and not the small cottage at 1991B Prince Arthur Street. At the time of the subdivision the matter of the heritage designation was not considered and therefore not removed from 1991B Prince Arthur Street.

In light of the above, it seems to reason that 1991B Prince Arthur Street has mistakenly been granted heritage status. This has remained for some 25 years in spite of the fact that there is no heritage value present and that the property had been redeveloped in 1991 without consideration for heritage influence. Accordingly, I believe that de-registration of this property essentially amounts to a housekeeping matter that is long over due.

As current owner of 1991B Prince Arthur Street I would like to request that you take the appropriate action to affect the de-registration of its heritage status. I am enclosing a cheque in the amount of \$1,800.00 to facilitate this request and if I can be of any assistance in this matter, please do not hesitate to contact me at 830-3621, at your convenience.

Yours Truly

A handwritten signature in dark ink, appearing to read 'S. Brogan', is written over a horizontal line.

Scott R. Brogan  
Charter Developments Ltd.

Enclosure

May 23, 2007

Attachment B: Form A for 1991 Prince Arthur Street, Halifax

CERTIFIED MAIL

FORM "B"

388



52046

CITY OF HALIFAX

ORDINANCE NUMBER 174

(THE HERITAGE PROPERTY ORDINANCE)

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

TO: Miss Constance Levis  
1991 Prince Arthur Street  
Halifax, Nova Scotia  
B3H 4H2

You are hereby notified that:

1. The land and building located at  
1991 Prince Arthur Street  
Pinehurst Apartment (Westborne)

has been registered in the Halifax Registry of Heritage Property by  
resolution adopted at a meeting of Council the 26th day of  
November, 1981.

2. The effect of registration in the Halifax Registry of  
Heritage Property is that no demolition or substantial alteration  
in the exterior appearance may be undertaken from the date of regis-  
tration unless an application, in writing, for permission is submitted  
to the City Council and the application is granted with or without  
conditions. Where an application is not approved, the owner may make  
the alteration described in his application or carry out the  
proposed demolition at any time after one year but not more than  
two years from the date of the application

DATED this 11<sup>th</sup> day of December 1981

Province of Nova Scotia  
County of Halifax

I hereby certify that the within instrument  
was recorded in the Registry of Deeds Office  
at Halifax, in the County of Halifax, N.S.  
at 12:35 o'clock P. M., on  
the 11 day of Dec  
A. D. 1981 in Book Number 3541  
at Pages 388  
A. Geraldine Keefe  
Registrar of Deeds for the Registration District  
of the County of Halifax

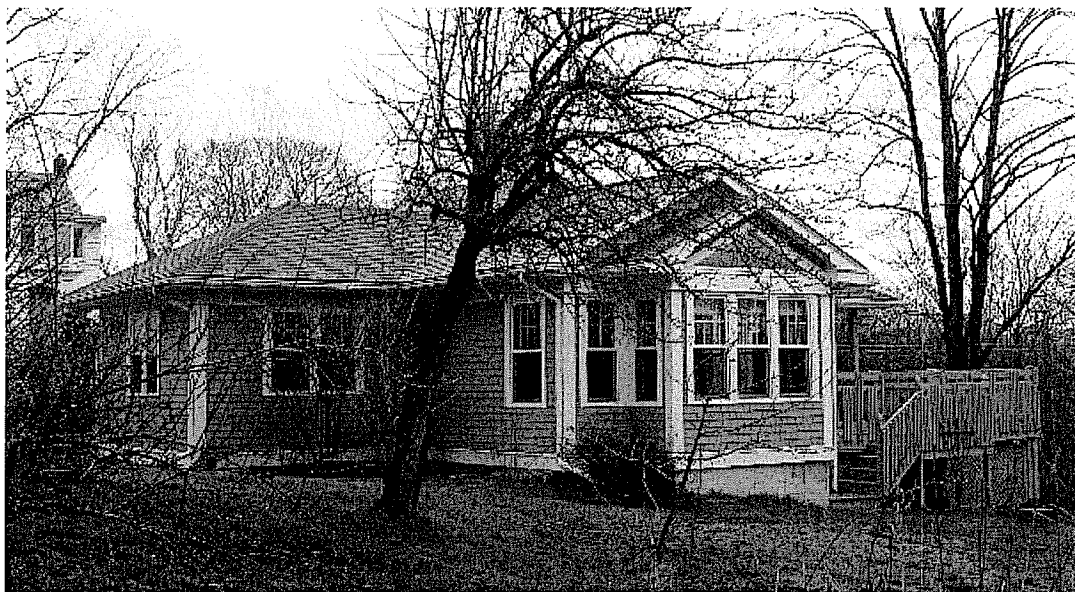
G.I. Blennerhassett  
CITY CLERK

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**Attachment C: Photographs**



1991 Prince Arthur Street (Pinehurst), Halifax.



1991B Prince Arthur Street (Lot B, the cottage), Halifax.



May 23, 2007

Attachment D: Extract - "Evaluation & Protection System for Heritage Resources in Halifax"

III-203

III-204

ARCHITECTURAL COMMENTS

CATEGORY/SUBCATEGORY

Heritage Buildings/Residences

ADDRESS

1991 Prince Arthur Street

NAME

Pinehurst Apartment (Westborne)

LOCATION

CT 13

OWNER

Ms. Constance Lewis  
1991 Prince Arthur Street

CONSTRUCTION DATE

Est. 1873

STYLE OF ARCHITECTURE

Victorian Italian Villa

USE OF BUILDING

Residential

HISTORIC ASSOCIATIONS

It appears that this house was built for John M. DeWolf, a carriage manufacturer. Among later residents were Robert Pickford of Pickford and Black Steamship Line, and Sir Robert Borden, former Prime Minister of Canada.

Both the first and second storey verandahs are of interest on this building. The building is an all-wood construction. The eave and frieze details are very plain. There are, however, extremely large brackets at the corners of each of the directional changes of the exterior wall. The doors in the second storey verandah are unusual. The carved, flat, column detail in the large south bays is also of interest. The cornice detail on the south elevation seems very elaborate when compared to the plainness of the other eave finishes.

SOURCES OF INFORMATION

File

