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Halifax Regional Council  
March 23, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Pat Halliday  
per Allan MacLellan, Chair  
Heritage Advisory Committee

DATE: March 16, 2004

SUBJECT: Case H00108 - Application to Demolish 1790 Granville Street, Halifax,  
NS (A Registered Heritage Property)

**ORIGIN**

March 3, 2004 Heritage Advisory Committee meeting.

**RECOMMENDATION**

The Heritage Advisory Committee **recommends** that Regional Council refuse the demolition permit for the registered heritage property at 1790 Granville Street (Map 1 of the staff report dated February 17, 2004), known as the Kelly Building, and that the Heritage Advisory Committee be kept apprised of the progress of any meetings held between staff and the property owner regarding options to preserve the building.

**EXTRACT FROM DRAFT MARCH 3, 2004 HERITAGE ADVISORY COMMITTEE MINUTES:**

**5.4 Case H00108 - Application to Demolish 1790 Granville Street, Halifax, NS**

- A staff report prepared for Jim Donovan, Manager, Planning Applications, regarding the above, was before the Committee for its consideration.
- Correspondence from Mr. Alan Ruffman and Mr. Mark Stewart, Heritage Trust of Nova Scotia, and an article from the March 3, 2004 edition of *The Mail Star*, regarding the above, was circulated to the Committee for its consideration.

Ms. Holm presented the report to the Committee.

Mr. Donovan explained to the Committee there was a breakdown in communication which resulted in the delay of the application being brought forward to the Committee. He apologized for what took place, but assured the Committee that it does not reflect on staff's sincerity to do everything they can to explore options to preserve the building. Mr. Donovan noted a meeting with the Director of Planning and Development Services is scheduled to discuss what took place. He advised the Committee that the owner has been more than cooperative appears to be open-minded to explore options, recognizing that the building is in poor condition. Due to the limited time left in the waiting period, Mr. Donovan stated there is a need to work quickly to look at any options. He noted that under the MPS for Halifax there are significant development opportunities that come with a redevelopment of a site with a heritage feature.

During the discussion of the application, concern was expressed by various Committee members that the heritage building was allowed to deteriorate to its current condition and no options to save it have been explored by the property owners nor the municipality. In response, Mr. Donovan stated staff are prepared to make a more concentrated effort to explore opportunities, in the short period of time remaining, than what was done in the past.

**MOVED by Mr. Tom Creighton, seconded by Councillor Dawn Sloane, that the Heritage Advisory Committee recommend that Regional Council refuse the demolition permit for the registered heritage property at 1790 Granville Street (Map 1 of the staff report dated February 17, 2004), known as the Kelly Building.**

Mr. Donovan noted staff would like to meet with the owner of the property at least once before the public information meeting scheduled for March 25, 2004.

Mr. Metlej inquired if the option of the owner selling the property to someone who wants to restore has been or will be explored. Mr. Donovan stated this could be explored at the

upcoming meeting with the owner. He noted the owner has indicated there are no plans for redevelopment of the site at this time. Ms. Holm noted the property owner has indicated he would be willing to meet with staff next week.

Discussion took place regarding the Committee's previous suggestion that a property owner should have approval from the Municipality for what will replace a demolished heritage building before the demolition takes place.

Mr. Bob Pasquet, representing the owners, TDB Halifax Holding Limited, addressed that Committee stated they now recognize there are some opportunities that might be available to them and they are more than willing to work with HRM and staff to see what might be done. He stated the owners do not have any intention for rebuilding at this time, it is just a matter of ensuring the building is secure and safe. In response to a question of the Chair inquiring if the owners were willing to withdraw the demolition application at this time, Mr. Pasquet stated they would prefer to leave it in place as something needs to be done with the building as quickly as possible.

Mr. Trites suggested there should be more onus on the part of the property owner to come forth to the Committee or HRM with ideas for the property rather than the reverse, noting the current owners were aware it was a heritage property when they purchased it. He questioned the reasoning for the demolition application. Mr. Pasquet responded that Fire Services had condemned the building, and the owner is simply saying something needs to be done with it and the demolition application was their first approach. When they were recently approached by staff to explore other options, they stated they would be willing to do so. Although the owner was not willing to withdraw the demolition application, Mr. Pasquet stated they were open to an extension of it to provide time to explore alternatives.

Mr. Trites suggested the Committee should be kept up to date on the progress of meetings between staff and the property owner. Mr. Donovan responded that any members of the Committee who would like to sit in on these meetings are more than welcome. With the agreement of the Mover and Seconder, the motion was amended to read as follows:

**MOVED by Mr. Tom Creighton, seconded by Councillor Dawn Sloane, that the Heritage Advisory Committee recommend that Regional Council refuse the demolition permit for the registered heritage property at 1790 Granville Street (Map 1 of the staff report dated February 17, 2004), known as the Kelly Building, and that the Heritage Advisory Committee be kept apprised of the progress of any meetings held between staff and the property owner regarding options to preserve the building. MOTION PUT AND PASSED UNANIMOUSLY.**

## **BACKGROUND**

See attached staff report dated February 17, 2004.

## **DISCUSSION**

See attached draft Heritage Advisory Committee minute extract.

## **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:**

None proposed.

## **ATTACHMENTS**

- 1) Extract from draft March 3, 2004 Heritage Advisory Committee minutes
- 2) Staff report to the HAC dated February 17, 2004.

Additional copies of this report, and information on its status, can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Patti Halliday, Legislative Assistant


Report Approved by: Allan MacLellan, Chair, Heritage Advisory Committee

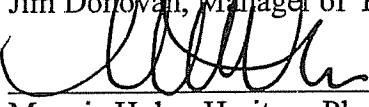


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Heritage Advisory Committee  
March 3, 2004

To: Heritage Advisory Committee

Submitted by:   
Jim Donovan, Manager of Planning Applications

Prepared by:   
Maggie Holm, Heritage Planner

Date: February 17, 2004

Subject: Heritage Case H00108 - Application to demolish 1790 Granville Street,  
Halifax, NS (A Registered Heritage Property)

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#### STAFF REPORT

#### ORIGIN:

Permit application by Mr. Bob Pasquet, representing the owners TDB Halifax Holding Limited, requesting approval to demolish a registered heritage property at 1790 Granville Street, Halifax, NS.

#### RECOMMENDATION

It is recommended that the Heritage Advisory Committee (HAC) advise Regional Council to **refuse** the demolition permit for the registered heritage property at 1790 Granville Street (Map 1), known as the Kelly Building.

### **BACKGROUND:**

Mr. Bob Pasquet made application in April of 2003 to demolish the building located at 1790 Granville Street known as the Kelly Building (See Map 1 and Attachment 4). In the time since this application was made the file has remained inactive due to some confusion on the part of both staff and the applicant relative to when the proposed demolition would occur, what the future use of the property would be and the process for permitting the demolition. At this time the applicant is requesting to follow through on the application to demolish this registered heritage building. There are no immediate plans to re-develop the site.

This property was approved for municipal heritage registration by the former City of Halifax on March 11, 1982. As a result, any alteration requests (including demolition) must follow the process outlined in both the Provincial Heritage Act and the Municipality's Heritage By-law (H-200).

There is significant development history relating to this property, and there have been several requests to have this building demolished, and counter requests from various stakeholders to have the building saved. Some of the most relevant events are as follows:

- 1893- Kelly Building constructed
- 1982- Kelly Building registered as a municipal heritage property by Halifax City Council.
- 1983- Development agreement for an 8-storey commercial building with penthouse and preservation of the front facade of the building approved by Halifax City Council.
- 1987- Requested time extension to the agreement expires with no action taken.
- 1994- Application made to demolish the building based on an inspection report favouring demolition. Refusal of the application by Halifax City Council in part due to public interest in having the building remain intact.
- 1994- Subsequent application made by the owner to de-register the property in order to facilitate a demolition permit.
- 1995- The Deputy Fire Chief indicates that the building was a "fire and life safety hazard".
- 1996- Insurance report by Brandy's McBride Richardson Engineering Ltd. finds: *"the building was not structurally sound, the roof and floors are not safe to support even light loading. Under a snow load the roof could collapse, and it is anticipated that a roof collapse would cause the entire structure to fall down."*
- 1995- One year waiting period on the demolition permit expires in July, thereby allowing the owners to begin demolition, however the building is not demolished.
- 1996- HRM Building officials order the owners to undertake work to maintain building safety, consisting of stabilising the two storey plate glass store front.
- 1999- Property is sold to its present owners.
- 2003- In April, a new demolition permit was applied for as the previous permit had expired.

### ***1790 Granville Street, The Kelly Building***

Constructed in 1893, this three storey commercial building was built in the Georgian period. It is well known for its two storey plate glass store front (added in 1906). Originally a pitched roof was

changed to a flat roof in 1922. It was purchased in 1903 by John F. Kelly for his business Kelly's Limited (leather goods). Kelly's Limited vacated the building in 1974, and it has not been continuously occupied since.

### **DISCUSSION:**

Under Section 17 of the *Heritage Act*, all demolition permits for municipal heritage properties must be approved by Regional Council upon review and recommendation by the Heritage Advisory Committee (Attachment 1). The process to demolish a registered heritage building involves a public participation component.

In 1999, Regional Council adopted "*Demolition of Municipally Registered Heritage Properties: A Procedure for Public Participation*". The procedure requires that staff notify public stakeholders that an application for demolition has been made, and that a public information meeting be held by the Heritage Advisory Committee (Attachment 2). Section 18 of the *Heritage Act* allows the property owner to proceed with demolition any time after one year from the date of the demolition application, even if the demolition permit application has been refused by Regional Council.

A structural integrity study was performed in November 1995 (Attachment 3). This satisfies a requirement of the procedure adopted by Council in 1999. Findings at the time of the study some 9 years ago were that the building was not structurally sound. The representative of the owner has indicated no work has been done to the building as they feel it is beyond saving. There may still be options that have not been explored, including a facade easement, that could retain the basic historic elements of the building. Additionally, past public interest in this building indicates to staff the importance of giving the public an opportunity to be made aware of the demolition permit application, and possibly provide alternatives to demolition. A public information session is planned for March of 2004, and a sign will be erected on the building by the end of February.

Staff have meet with the owners' representative Mr. Pasquet to offer some alternatives and incentives for the property, but at this time the owners have no wish to pursue redevelopment options and wish to have the building demolished.

### ***Summary***

The building is vacant and has been for many years. It has been found to be structurally unsound, and different structural reports suggest that there is increased deterioration of the building. The property owners have indicated that there is no interest to redevelop the site at this time.

An application to demolish the subject building was made in April of 2003, but due to confusion associated with the application, no immediate action was taken to proceed with a report to Heritage Advisory Committee or to proceed with a public information session. This report has been prepared so that HAC can review this matter and provide a recommendation to Regional Council. A Notice of Demolition has been advertised in a local newspaper along with a venue, date and time for a public information session. A notification sign will be placed on the property by the end of February.

Staff feel it is essential to complete all public participation components and explore all possible alternatives to demolition.

Under Section 17(5) of the *Heritage Act*, Regional Council has two alternatives with respect to this matter:

1. Council may grant the application for demolition either with or without conditions.
2. Council may refuse the application.

Under *Section 18 of the Heritage Act* the owner of the property may proceed with the demolition at any time after one year from the date of the application, provided that the demolition shall not be undertaken more than two years after the date of the application.

Notwithstanding its poor condition and structural issues associated with the building, the potential loss of a significant heritage resource in the downtown area is cause for concern. The process of notification and public consultation which was adopted by Regional Council in 1999 is intended to provide an opportunity whereby the community can consider a proposed building demolition and perhaps identify practical solutions to such course of action. Permitting the proposed demolition to proceed in the absence of making an earnest effort to preserve this heritage feature would be premature.

Staff therefore recommends that the Heritage Advisory Committee (HAC) advise Regional Council to **refuse** the demolition permit in order to allow time to consider alternatives to demolition through the procedure outlined in the *Demolition of Municipally Registered Heritage Properties: A Procedure for Public Participation* (Attachment 2).

#### **BUDGET IMPLICATIONS:**

There are no known budget implications for this permit application at this time.

#### **ALTERNATIVES:**

Staff recommend that HAC advise Regional Council to refuse the demolition permit for 1790 Granville Street as outlined in this report.

Alternatively, Regional Council may choose to approve the permit, in which case staff will have the demolition permit issued.



**ATTACHMENTS:**

Map 1: Location Map, 1790 Granville Street

Attachment 1: Excerpt - Heritage Act Sections 17 and 18.

Attachment 2: *Demolition of Municipally Registered Heritage Properties: A Procedure for Public Participation*

Attachment 3: Structural Integrity Study, November 1995

Attachment 4: Photos

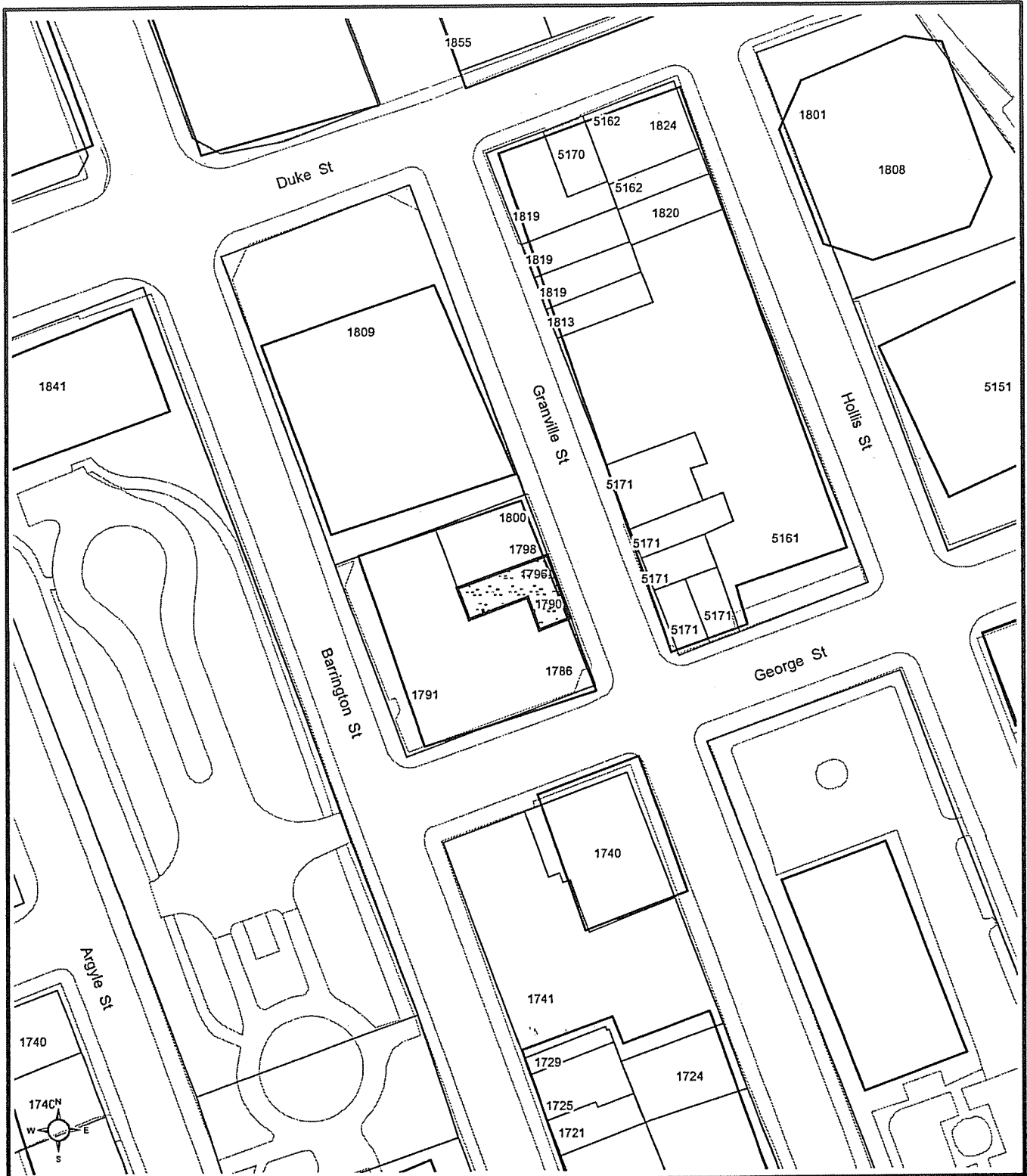
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Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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


Report approved by: Jim Donovan, Manager, Planning Applications

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Map 1 - Location Map  
**1790 Granville Street**  
**Halifax**

Halifax Plan Area

 Heritage site under application  
 for demolition



**HALIFAX**  
 REGIONAL MUNICIPALITY  
 PLANNING AND  
 DEVELOPMENT SERVICES

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

## **HERITAGE PROPERTY ACT - Sections 17 & 18**

### **Approval to alter or demolish**

**17 (1)** Municipal heritage property shall not be substantially altered in exterior appearance or demolished without the approval of the municipality.

### **Application to alter or demolish**

**(2)** An application for permission to substantially alter the exterior appearance of or demolish municipal heritage property shall be made in writing to the municipality.

### **Referral of application**

**(3)** Upon receipt of the application, the municipality shall refer the application to the heritage advisory committee for its recommendation.

### **Report and recommendation to municipality**

**(4)** Within thirty days after the application is referred by the municipality, the heritage advisory committee shall submit a written report and recommendation to the municipality respecting the municipal heritage property.

### **Determination by municipality**

**(5)** The municipality may grant the application either with or without conditions or may refuse it.

### **Notice of determination**

**(6)** The municipality shall advise the applicant of its determination. R.S., c. 199, s. 17.

### **Exception to Section 17**

**18** Notwithstanding Section 17, where the owner of municipal heritage property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out the demolition at any time after one year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two years after the date of the application. R.S., c. 199, s. 18.

Demolition Applications  
- *standing motion of Council*

Application by Owner for Demolition Permit submitted to Development Services

Application for Demolition forward to Planning Services

Application for Demolition forward to HAC and Regional Council for Information

Public Notice of Demolition Application - Newspaper Ad. and Sign placed on Property

Public Information Meeting

NEGOTIATIONS - additional PIM if necessary

10 months for Negotiations and additional PIM if necessary

One year time elapses as per Section 18 of Heritage Act - demolition of building

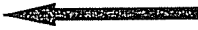
Structural Integrity study conducted by Development Services



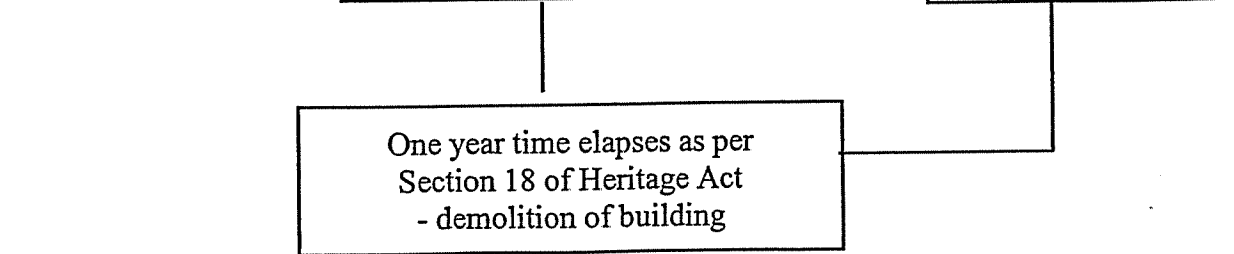
The Public Notice is to occur within 30 days of receipt of application. May include date and location for PIM



The Public Information meeting is to occur within 60 days of receipt of application



Update and Status at each HAC meeting



**INSPECTION REPORT  
KELLY BUILDING  
1790 GRANVILLE STREET  
HALIFAX, NS**

Prepared For

**The Standard Life Assurance Company  
Property Management**

Suite 1100  
1600 Rene-Levesque Boulevard West  
Montreal, Quebec  
H3H 1P9

Prepared By

**BRANDYS McBRIDE RICHARDSON ENGINEERING LTD.  
5413 DOYLE STREET  
HALIFAX, NOVA SCOTIA  
B3J 1H9**

NOVEMBER 1995

## GENERAL

The structural framing of the Kelly Building has been inspected by our office to determine the structural systems and the condition of the existing members. The building is located at 1790 Granville Street in the downtown core. The building has been vacant for several years and currently does not have electrical or water service. There is also no heating system. This report supplements a previous report prepared by our office dated 10 June 1994. The City of Halifax carried out an inspection on 19 May 1995 and issued a letter on 25 May 1995. A pre-purchase inspection was prepared by Fowler Bauld Mitchell Architects, Halifax, dated February 1992. Their report included the property of the Kelly Building and the adjacent property at 1800 Granville Street referred to as the Flower Shop.

## OBSERVATIONS

The Kelly Building consists of four floors plus the basement and roof. Sketches Sk-1 through Sk-6, attached in Appendix A, show the layout and framing plans for the basement, four floors and the roof. Sk-7 is a cross section of the building. The typical framing consists of 4 inch by 10 inch wood joist spaced at approximately 24 inches on centre. The floor sheathing is two or three layers of board sheathing. The joists are supported by wood beams spanning the width of the building. The beam nearest the front is supported on steel or cast iron columns. The beams at the back are clear span. Over the years several posts have been added in various places to prop up the sagging floor.

Our inspection included the removal of interior finishes and floor sheathing in several locations to gain access to the main structural elements. Once exposed, the members were tested by use of a probe to determine the depth and extent of rot and deterioration. The members were rated with respect to the amount of water present on the surface or in the member and the presence of rot and fungus. Deflections of the floor framing were quantified by recording the amount of sag along members.

Appendix B includes photographs taken during our inspection on 10 November 1995. The photographs are numbered and keyed to the framing plans on the sketches for easy location and reference.

There has been severe water damage to the building over the years. The roof is in very poor condition and leaks large volumes of water from rain and snow melt. Photo 22 shows drip pans placed on the upper floor to collect water leaking through the roof. Unfortunately, there is no maintenance or program of emptying the pans in place. Therefore, the water runs down through the building. The roof hatch is open allowing water and pigeons to enter. Currently, the pigeons inhabit the upper floor. Photo 25 shows the skylight and the pigeons can be noted sitting on the ledge around the opening. Photos 15 and 16 are at the base of the stairs from the third to the fourth floor. There is a "carpet" of pigeon droppings on the floor below the opening. The presence of pigeon droppings results in very rapid deterioration of wood framing due to its high acid and moisture content.

Photos 1 through 5 were taken in the basement. Photo 1 shows the base of a wood column that has completely rotted away. This column has no capacity to support vertical loads. Photos 2, 3, 4, and 5 show the underside of the main floor. The wood is very wet and deteriorated with the presence of rot and fungus.

Photos 7 and 8 show the deflections in the second floor. The floor has sagged in excess of three inches (3") across the width of the building. Photo 9 shows moss growing on the second floor. The ceiling finishes have fallen in most areas due to water movement down through the building and rot of both the finishes and support structure. Photos 10, 11, 12, 14, 18, 19, 20, 21, 27, 28, 29, 30 and 31 were taken at various locations in the building and indicate the condition of the ceilings and floor framing. Photo 10 shows the underside of the second floor. The main beam is completely saturated with water present on the surface. Part of the metal ceiling finish was removed to gain access to this beam. The white growth on the beam is a fungus. This beam

has very little capacity remaining due to the advanced state of rot. Photo 13 shows the underside of the third floor framing (one floor above Photo 10, similar location). Again, once the ceiling finishes were removed, the same conditions of fungus growth and rot existed as were recorded on the lower floors. Photos 19 and 20 were taken at the underside of the fourth floor. The sag of the main support beam is very evident in Photo 19. These large movements are beyond the useful capacity of the beam and it is considered to have failed. Again the framing is completely saturated. In Photo 20 the large movements have resulted in the fascia board splitting at the column on the right in the photo. Again, from a structural capacity perspective, it is considered this beam has failed. Photo 23 shows the wood framing at the back of the street elevation masonry wall. The wood column and diagonal brace are in poor condition due to deterioration from water. The masonry facade does not exhibit signs of major movements or cracking. It is felt the front wall could be saved for its historical significance and used in a redevelopment of the property. This would require great care in demolition of the wood framing behind the masonry wall with temporary supports provided until a permanent structure is in place.

## CONCLUSIONS

The wood framing is severely water damaged and deteriorated. The structure has undergone excessive deflections and the interior ceiling finishes have collapsed. The floors and roof are not safe to support even light loading. Under a snow load on the roof, the roof could collapse. It is anticipated that a roof collapse would cause the entire structure to fall down. The weight of the roof and any snow on the fourth floor would cause it to fail and so on through the lower floors. If the floor structure collapses, the masonry walls would either be pulled down by the floors or be left standing unsupported. They, in turn, would fall down.



