10.2.1

HALIFAX
REGIONAL MUNICIPALITY

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
February 7, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Stephanie Pace for
Tom Creighton, Chair
Heritage Advisory Committee

DATE: January 25, 2006

SUBJECT: Case H00153 - Application for De-Registration of 78 Shore Road (a municipal heritage property) Dartmouth

ORIGIN

Heritage Advisory Committee Meetings May 25, 2005, June 29, 2005, August 24, 2005, September 29, 2005 and January 25, 2006.

RECOMMENDATION

The Heritage Advisory Committee recommends that Regional Council:

1. Set the date of March 21, 2006, for a Heritage Hearing to consider the **de-registration** 78 Shore Road, Dartmouth.

2. Approve the **de-registration of** 78 Shore Road Dartmouth as shown on Map 1 of the January 25, 2006 staff report.

BACKGROUND

See staff report to Heritage Advisory Committee dated December 22, 2005.

DISCUSSION

See minute extracts of Heritage Advisory Committee Meetings dated May 25, 2005, June 29, 2005. August 25, 2005, January 25, 2006.

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

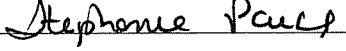
1. Halifax Regional Council may choose not to de-register the property. This is not recommend as per the reasons provided in the staff report dated December 22, 2005.

ATTACHMENTS

1. Heritage Advisory Committee Staff Report dated December 22, 2005
2. Heritage Advisory Committee Minute Extract dated May 25, 2005.
3. Heritage Advisory Committee Meeting June 29, 2005.
4. Heritage Advisory Committee Minute Extract August 25, 2005.
5. Heritage Advisory Committee Minute Extract January 25, 2006.

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: Stephanie Parsons, Legislative Assistant, 490-6519.



HERITAGE ADVISORY COMMITTEE
May 25, 2005
MINUTE EXTRACT

5.2 H00153 - Application for Deregistration of 78 Shore Road, Dartmouth

- A staff report dated May 11, 2005, was before the Committee for its consideration.

Ms. Bill Plaskett, Planner reviewed the application as presented in the report.

It was noted that:

- the application is based on the recent discovery that extensive structural repairs need to be done and that the property owners are financially unable to bear the cost of the repairs
- staff explored possible solutions which could correct the problems and retain the building
- staff recommends in favour of deregistration

In response to questions from the Committee the Applicant advised that:

- there is a retaining wall behind the house
- three contractors conducted an assessment of the house and determined that the foundation, sills and two chimneys need to be replaced and advised that it was not cost effective to repair
- the house has not officially been declared structurally unsafe
- he has not received a quote on demolition cost
- relocating the house to build a new foundation is too costly
- Ms. Holm advised that the maximum support that the Heritage Advisory Committee can provide is $10,000

In response to Mr. MacDonnell, Mr. Plaskett advised that the house was registered based on age and style. Mr. MacDonnell also commented that it is difficult to support an application for de-registration that goes against the principle of Heritage Preservation.

The Chair advised the Committee that if the application is refused it may trigger a demolition application. Mr. MacDonnell commented more information is required before a decision can be made.

In response to further questions by the Committee the Applicant also advised that:

- An HRM Building Official confirmed the contractor's assessment of the structural repairs that are required and that the foundation needs to be replaced.
- He has no concerns about having a Conservation Architect examine the building as long it is not at his expense.
- Ms. Holm has already investigated potential alternatives and had advised him that there were resources available to have a conservation study done.

Mr. Plaskett advised that demolition would cost approximately $16,400 and construction would cost approximately $100,000. The cost to fix the house is estimated at $85,000. Mr. MacDonnell commented that the application must be judged on the principles of heritage and not on the best value of the land.

Councillor Sloane commented that there maybe other organizations such as Heritage Trust who may be able to provide assistance.

The Chair suggested that the Committee make a recommendation to Regional Council to approve $1,000 for a Conservation Plan for the building.

After further discussion the following motion was placed:

MOVED by Councillor Sloane, seconded by Mr. MacDonnell that the Heritage Advisory Committee defer this application for thirty days and that staff explore alternative options for funding assistance with local and provincial heritage groups. MOTION PUT AND PASSED.

HALIFAX REGIONAL MUNICIPALITY

HERITAGE ADVISORY COMMITTEE
June 29, 2005
MINUTE EXTRACT

4. DEFERRED ITEMS

4.1 H00153 - Application for Deregistration of 78 Shore Road

- A Staff report dated May 11, 2005 was previously circulated to the Committee for consideration.

Ms. Holm advised that staff has contacted two Architects to see if they would be able to complete the work. There was some interest however, none were able to do the work until September. She also advised that there is funding available to have the assessment completed.

Councillor Sloane suggested that the Committee wait for a Heritage Architect to look at the building and suggested that the Committee defer the application until September.

Councillor Harvey commented that there has been several inspections of the house and that the Committee had agreed to defer for thirty days. He suggested that rather then deferring the application that the Committee refuse the application. There is no point in deferring the application if there is no additional information available. Mr. Plaskett advised the Committee that declining the application could trigger an application for demolition. However the completion of an analysis may generate new alternatives.

Mr. MacDonnell raised concern over recommending that Regional Council decline the application when alternate options have not been explored.

Ms. Holm advised that staff has not explored alternative options outside of HRM. Councillor Sloane suggested that the Heritage Advisory Committee recommend that staff explore alternate options. The Chair advised Ms. Holm that the Committee had passed a motion at the May 25, 2005 meeting that staff explore alternative options for funding assistance with local and provincial heritage groups.

Ms. Holm suggested that the Committee send a letter to the applicant requesting additional information as to the applicants plans for the property if the building is deregistered or demolished.

MOVED BY Councillor Sloane, seconded by Mr. MacDonnell that the Heritage Advisory Committee defer application H00153 for the deregistration of 78 Shore Road until August 24, 2005 with the following conditions:

1. **That staff explore alternative options for funding assistance with local and provincial heritage groups.**

2. That staff find a Heritage Architect to complete the assessment of the property.
3. That the Chair of the Heritage Advisory Committee write a letter to the applicant asking what the plans are for the property in the event the house is demolished and or deregistered.

MOTION PUT AND PASSED.

HERITAGE ADVISORY COMMITTEE
August 24, 2005
MINUTE EXTRACT

6. UPDATES

6.1 H00153 - Application for Deregistration of 78 Shore Road

- A Staff report dated May 11, 2005 was previously circulated to the Committee for consideration.

Mr. Graeme Duffus advised the Committee that he conducted an inspection last week and was unable to complete the report for this meeting. He advised that the report will be ready for the next meeting. He further commented that the owner has placed the home on the real estate market.

MOVED BY Mr. Butler, seconded by Mr. Meagher that the Heritage Advisory Committee defer application H00153 to the next scheduled meeting of the Heritage Advisory Committee. MOTION PUT AND PASSED UNANIMOUSLY

HALIFAX REGIONAL MUNICIPALITY

HERITAGE ADVISORY COMMITTEE
January 25, 2006
MINUTE EXTRACT

4.1.1 Application for the De-Registration of 78 Shore Road

- A supplementary staff report dated January 25, 2006, was before the Committee for its consideration.

Ms. Holm provided a brief overview of the past discussions regarding the application. In response to Mr. MacKinnon, she advised that she did not know what the zoning was and that she would get back to him with a response.

Mr. Elias Metlej entered the meeting at 3:17 p.m.

MOVED BY Mr. MacKinnon, seconded by Councillor Sloane that the Heritage Advisory Committee recommend that Regional Council:

1. **Set a public hearing to provide consider the de-registration of 78 Shore Road Dartmouth.**

2. **Approve the de-registration of 78 Shore Road, Dartmouth as shown on Map 1 of the supplementary staff report dated December 22, 2005. MOTION PUT AND PASSED.**

4.1.1

HALIFAX
REGIONAL MUNICIPALITY

PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Heritage Advisory Committee
January 25, 2006

TO: Heritage Advisory Committee

SUBMITTED BY: Paul Dunphy, Director of Planning & Development Services

DATE: December 22, 2005

SUBJECT: **Heritage Case H00153 - Request by Brian Fortune to de-register 78 Shore Road, (a municipal heritage property), Dartmouth.**

SUPPLEMENTARY REPORT

ORIGIN

- Application by Mr. Brian Fortune for de-registration of 78 Shore Road, Dartmouth;
- Staff report dated May 11, 2005; and
- Motion of deferral from the Heritage Advisory Committee on May 11, 2005 requesting staff explore alterative options for funding assistance with local and provincial heritage groups.

RECOMMENDATION

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

(a) a public hearing be set to provide consideration for the de-registration of 78 Shore Road, Dartmouth; and

(b) Regional Council approve the de-registration of 78 Shore Road, Dartmouth, as shown on Map 1.

BACKGROUND

On May 25, 2005, the Heritage Advisory Committee made the following motion:

> *"that the Heritage Advisory Committee defer the application for thirty days and that staff explore alternative options for funding assistance with local and provincial heritage groups."*

DISCUSSION

The following is a brief summary of events since the original report was considered by the HAC:

- At a cost of $2,000, a building assessment was prepared by G.F. Duffus Architects for HRM to investigate the structural condition of the building (Attachment B);
- This assessment found:
  - the rear foundation wall seriously compromised while the remainder of the walls appear relatively sound;
  - The chimneys have not moved substantially;
  - The sloped floors are totally the result of overstressed floor joists;
  - There does not appear to be any serious rot to the sills and repair should not be difficult or costly.
- Following contact by staff, the Heritage Trust of Nova Scotia undertook an appraisal of the property and considered extending an offer to purchase. The Board of the Heritage Trust voted and, for financial reasons, opted not to purchase the property (Attachment C).

Summary

One year has passed since de-registration was requested, and the applicants have willingly explored all options brought forward to them. Professional assessments of the building support the owners assertion that the rear foundation wall is seriously compromised and requires substantial repairs. The owners have previously indicated that they are unable to bear these costs.

It is important to point out that had the original request been for demolition, rather than a de-registration, the one year waiting period required by the Heritage Act would have expired, and the owners would presently be free to make the necessary alterations or demolition of the property. The Heritage Act does not give a time line for de-registrations. The owners could have applied for demolition, in which case they would automatically have the right to demolish rather than be seeking Council's permission to de-register before any demolition occurs.

The basement rental unit has been vacant for over a year, is not insulated, and is not able to be rented. Heating costs have increased due to the lack of insulation, and past income generated by the basement unit is not being generated. It is unfortunate to consider the loss of a municipally registered building, but staff continue to support the owner's request for de-registration, and believe the continued registration of the property is inappropriate. Therefore, staff recommend the Heritage Advisory Committee support the owner's request for de-registration.

BUDGET IMPLICATIONS

There are no budget implications for this application.

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. Staff recommend the Heritage Advisory Committee recommend in favour of the de-registration of 78 Shore Road, Dartmouth, to Regional Council.

2. The Heritage Advisory Committee may not support staff's recommendation to de-register 78 Shore Rd, Dartmouth. This is not recommended as municipal financial assistance is insufficient to assist the owners in retaining the building, and staff feel it is unreasonable to force the owners to bear these costs alone.

ATTACHMENTS

Attachment A:	Staff report to the HAC dated May 11, 2005
Attachment B:	Building Assessment prepared by G.F. Duffus Architects & Company Ltd.
Attachment C:	Letter from Alan Parish, Present of Heritage Trust of Nova Scotia

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 reviewed by: Joan Broussard, Financial Consultant

5.2

ATTACHMENT A

HALIFAX
REGIONAL MUNICIPALITY

PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Heritage Advisory Committee
May 25, 2005

TO: Heritage Advisory Committee

SUBMITTED BY: Paul Dunphy, Director of Planning & Development Services

DATE: May 11, 2005

SUBJECT: **Heritage Case H00153 - Request by Brian Fortune to de-register 78 Shore Road, (a municipal heritage property), Dartmouth.**

STAFF REPORT

ORIGIN:

An application by Mr. Brian Fortune to consider de-registration of 78 Shore Road, Dartmouth.

RECOMMENDATION

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

(a) **a public hearing be set to provide consideration for the de-registration of 78 Shore Road, Dartmouth; and**

(b) **Regional Council approve the de-registration of 78 Shore Road, Dartmouth, as shown on Map 1.**

BACKGROUND

On November 16, 2004 Mr. Brian Fortune made an application to have the property located at 78 Shore Road, Dartmouth, de-registered. The rationale behind the request was a recent discovery that extensive structural repairs/replacement of the foundation and chimneys are required. The estimated cost of the repairs is $80,000. The property owners have indicated that they are financially unable to bear the costs of the repairs (Attachment A).

78 Shore Road, Dartmouth

This residential building located at 78 Shore Road in Dartmouth, built in 1841, is a large 2 ½ storey, wood framed building with a gabled roof, two large chimneys slightly inset from the roof ends, and two five-sided dormers at both the front and the rear. The overall form of the building suggests a Colonial style with the front elevation being 5 bays wide with a central entrance.

This land was originally part of the Dartmouth Common, but leased from the Trustees of the Common to a trader known as Michael McKenna who died in 1845 and the property was sold to William Murdoch. The building has had numerous owners since that time, and has been registered since August 21, 1990.

DISCUSSION

Policy Analysis

Section 16, Heritage Property Act - De-registration of Municipal Heritage Property states:

> *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.*

An inspection of the building by an HRM Building Official confirms the contractor's assessment. There is substantial deterioration of the foundation, sills, and both chimneys. The inspection revealed concerns with the main floor joists, supporting structure, foundation and footings below the main floor level. Observed issues included no footings supporting the foundation, no footings supporting either of the two chimneys, a large bow in the rear foundation wall, migration of water through the foundation, and rotten and/or decayed sill plates in direct contact with the ground. The Building Official concluded that the foundation must be replaced and cannot be repaired.

It is regrettable to remove a property from the Municipal heritage registry on the basis of structural deterioration. It should be noted that the main structure above the foundation appears sound. Ideally this structure could be moved to another location, but there are costs associated with this which the owners feel are too costly. Staff have explored many possible solutions with the property owners

which could correct the problems and retain the building. Staff are forced to conclude that it is unreasonable to require that the property remain registered, and the owners independently bear the financial costs of repairing the building. Given these considerations, staff believe that provision (a) of Section 16 has been met.

Section 16(b) is vague, but does provide Council with discretion. It is difficult for staff to support an application for de-registration, but given the estimated repair costs and lack of financial support which the Heritage Property Program could offer, staff supports the application for de-registration.

Options

Staff and the property owners have discussed a variety of possibilities which could retain the building; these include replacing the foundation, moving the house to a new foundation on the same property, having a conservation architect assess the situation, and sale of the property.

If the property was to remain registered it would be reasonable to offer some financial assistance under the Heritage Incentive Grants. The costs associated with the repairs and/or replacements have been estimated at $80,000 for the foundation replacement alone, and are very high for a home owner to absorb. This estimate does not included any additional costs associated with any conditions which could come to light once work on the building commences.

The current level of municipal financial assistance available for residential heritage properties is a 50% matching grant up to a maximum of $5,000. The property owners have indicated that these funds would not be sufficient to assist them in repairing the foundation. Staff suggested that a special request could be made to Regional Council for a larger grant, but the property owners indicated that even doubling the funds would not be sufficient assistance to allow them to retain the building.

Additionally, the owner does not believe having a Conservation Architect examine the building would provide other viable solutions which could reduce the costs, and therefore felt the expense of the consultation would not be warranted. Staff did make the owners aware of a Provincial grant which will cover 50% of cost for a conservation plan prepared by an architect up to $1000.00. However, the owners have chosen not to apply for such assistance.

The owners purchased the property with the intent of using it as a retirement home, and still wish to retire in this location in Dartmouth. For this reason they do not wish to sell the property. The owners cannot afford to correct the structural problems, and instead wish to de-register the property so they may consider their options for demolition and/or replacement of the building.

Summary

Staff conclude the owners have met provision (a) of Section 16 of the Nova Scotia Heritage Property Act, and it is at Council's discretion to determine if they have met provision (b) of the Act.
Consulting a conservation architect could ensure that all avenues have been explored before de-registration and potential demolition were undertaken. However, the property owners feel that while

new methods for the repairs could be determined, no reduction in costs for the repairs will be gained by such consultation, and do not wish to pursue this further.

Municipal financial assistance is not sufficient to assist the owner in the necessary foundation and chimney repairs required to retain the building, and therefore staff have concluded that it is reasonable to support the request for de-registration of this property.

Staff will continue to work with the property owners to determine if the main structure can be relocated. Through consultation with local and provincial heritage groups staff are hopeful that a re-location of the main structure to another site is possible, thereby retaining the main structure.

BUDGET IMPLICATIONS

There are no budget implications.

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. Staff recommend the Heritage Advisory Committee recommend in favour of the de-registration of 78 Shore Road, Dartmouth, to Regional Council.

1. The Heritage Advisory Committee may not support staff's recommendation to de-register 78 Shore Rd, Dartmouth. This is not recommended as municipal financial assistance is insufficient to assist the owners in retaining the building, and staff feel it is unreasonable to force the owners to bear these costs alone.

2. Council could be requested to approve $1,000 for a conservation plan for the building. This is not recommended as it is not expected that the conservation plan will reduce the costs associated with repairs to the building.

ATTACHMENTS

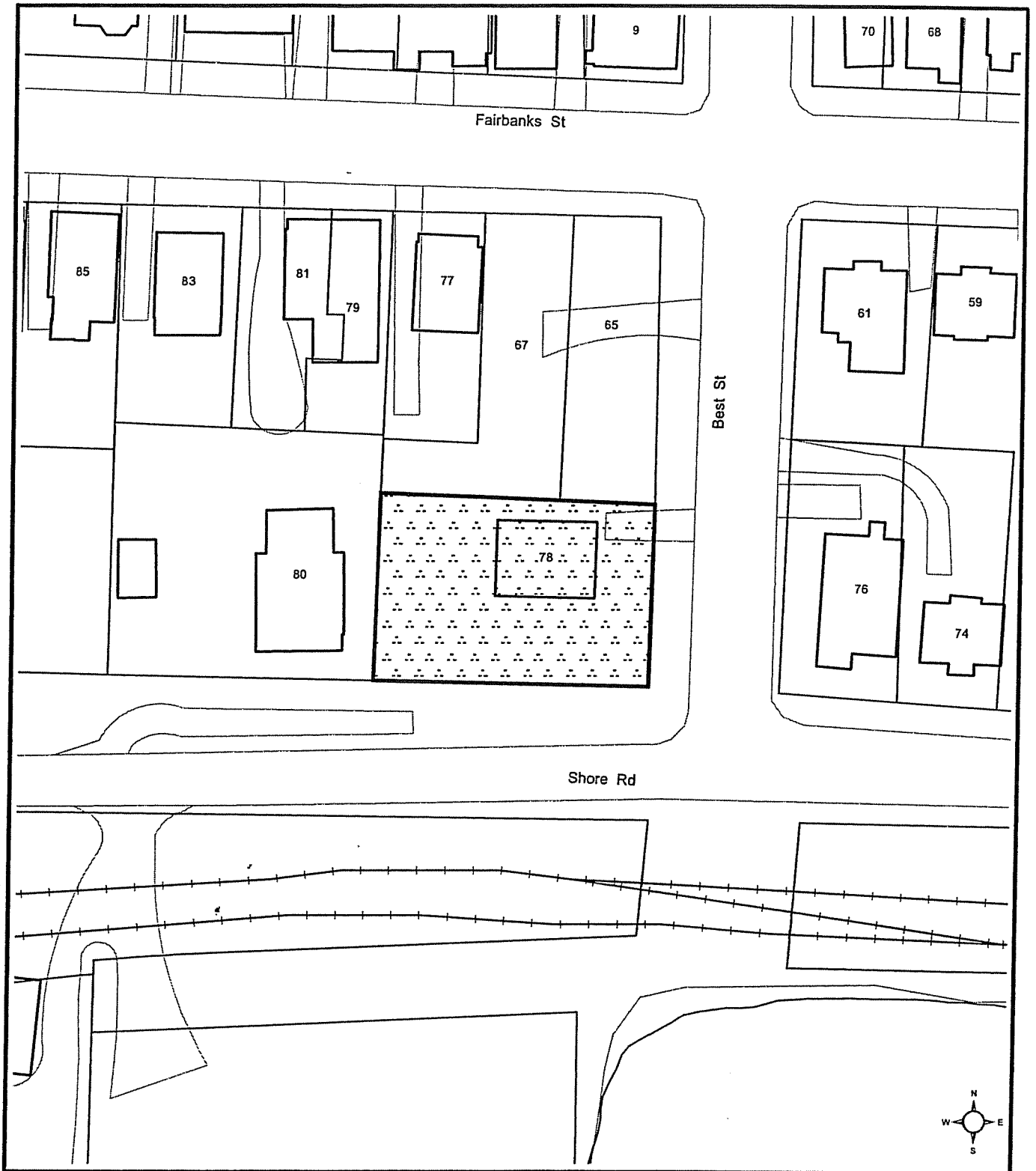
Map 1: Location Map - 78 Shore Road, Dartmouth

Attachment A: Letter and photographs from property owner dated November 16, 2004
Attachment B: General Photographs of 78 Shore Road, Dartmouth

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 Reviewed by: Kellea Redden, CMA, Financial Consultant, 490-6267, May 11, 2005



Map 1 - Location Map

78 Shore Road
Dartmouth

Property to be de-registered as a heritage property

0 50 Feet

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

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

7 February 2005 | Case H00153 | file: /data3/work/planning/hilary/casemaps/h00153.pdf (HEC)

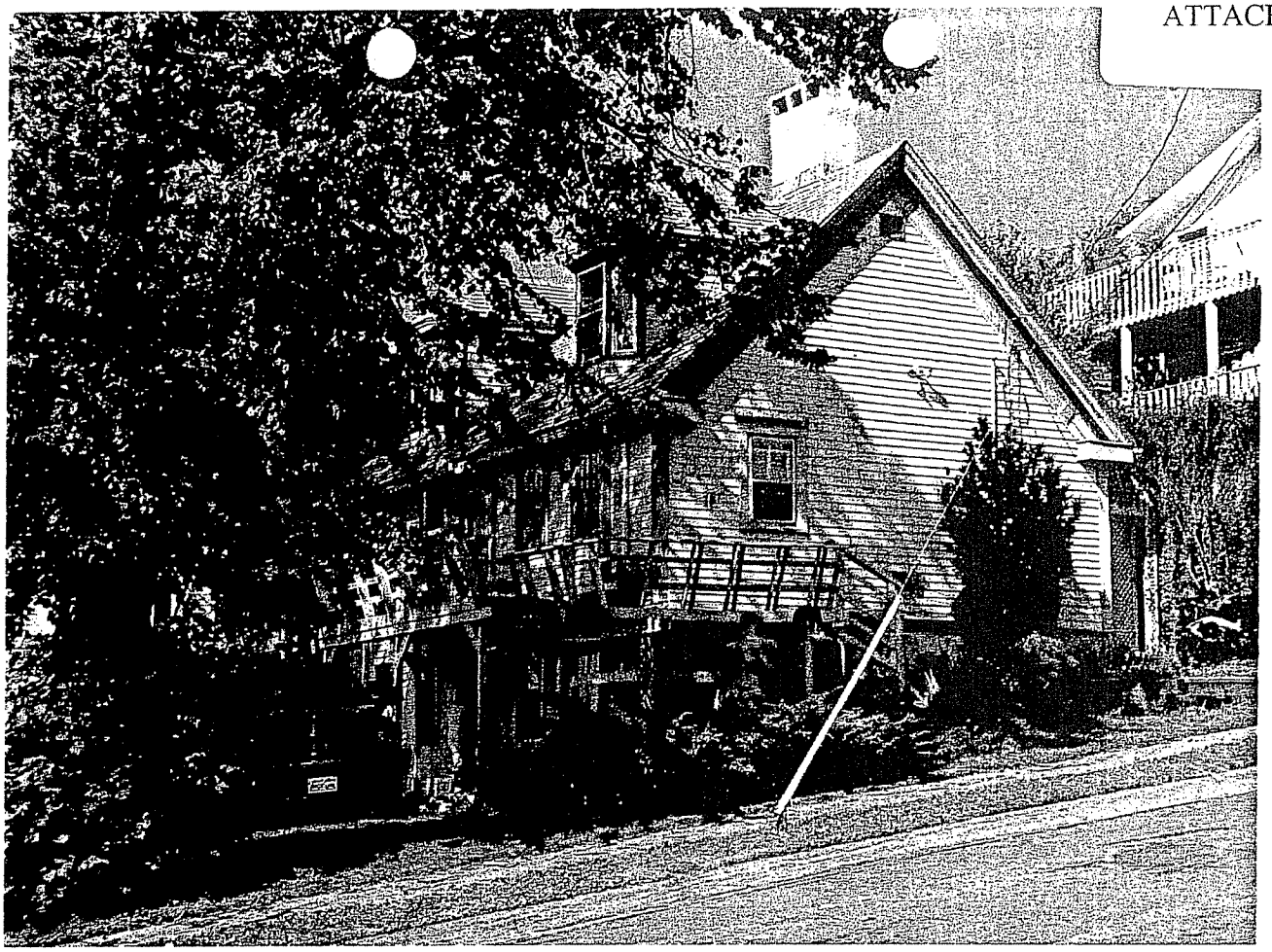
Planning and Development Services
Heritage Property Program
Att: Maggie Holm, Heritage Planner
Nov. 15th, 2004

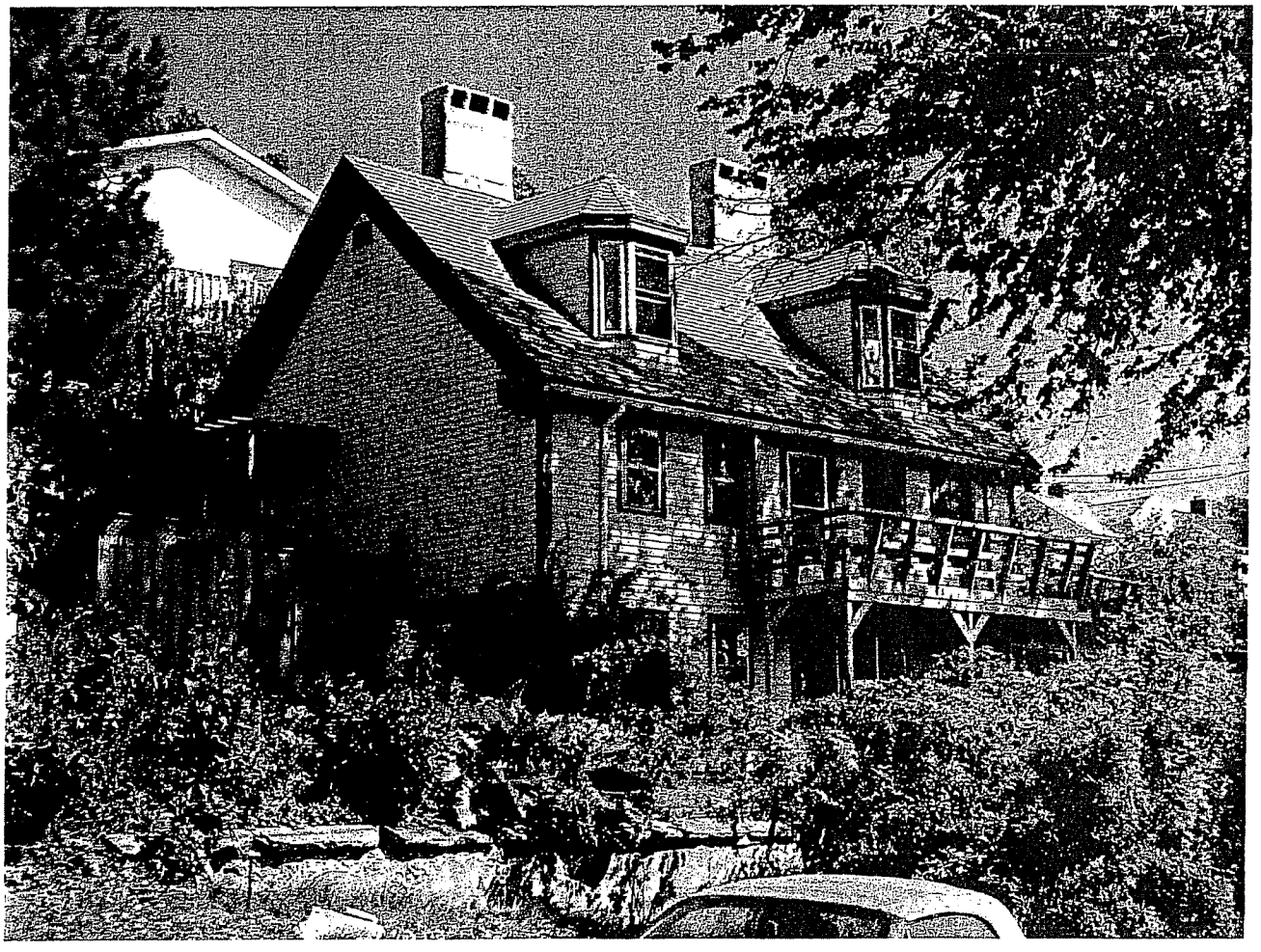
To whom it may concern:
At this time I would like to apply to have 78 Shore road de listed as a heritage property. I purchased the said property in of March 2003 after having a private consultant inspect and evaluate the home not once but twice. The house was determined to be in sound and structurally in very good condition. We were very proud to own a heritage property located on the Dartmouth waterfront. Over the past summer we started to notice a smell in the downstairs apartment and then found that the front deck had rotted out in several places. After receiving approval to replace the deck we had a few contractors come and quote on constructing a new deck. The contractors pointed out that the front of the house was sagging and that there was definitely something not right in the downstairs apartment. Prior to starting construction with the new deck it was decided that we should pull the downstairs floor and see what was going on. Once this was started there was no stopping it was found that all the floor joices were rotten as water had been flowing in through the walls under the floor. At that time it was decided to pull the walls covering the foundation thus completely gutting the entire downstairs of the house. Much to our surprise we found that the entire back wall was bowed in and we could clearly see where the water was entering. It was also found that the entire front foundation of the house had fallen in and the sills were rotten.

At this point we felt that we should get a proper evaluation of the house and a quote on repair costs. This evaluation found that both chimneys were poured on un stable rock foundation and that both are sinking and should be removed. It was also found that the foundation being made of rock and being three feet thick should be removed and replaced with a proper foundation. It was also discovered that the many of the sills and joices on the bottom of the first floor located directly above the stone foundation would have to be replaced. The total budget to jack up the house replace the foundation and repair the bad sills and floor joices would be in excess of $85,000. This cost would not include any repairs to the upstairs apartment after the basic work was completed and would not cover the cost of the new deck. It was also pointed out that when the plaster was removed from the upstairs walls there was a good possibility that we would more than likely find some more unpleasant structural surprises. It has been suggested that in reality it would be better to demolish the house and build a new home on the site rather than to try and restore this home

We would be more than prepared to have the members of the heritage committee examine the house to verify our findings. Given this information we would hope for a quick and favorable response to our request. If you have any questions please do not hesitate to call.

Yours truly,
Brian Forune





From: Mark Jamieson
To: Maggie Holm
Date: 02/03/2005 1:33:19 pm
Subject: 78 Shore Road, Dartmouth

Maggie,

There does not appear to be serious issues with structure above the main floor. Although only reviewed in a cursory way, appears sound.

The concern focuses upon main floor joists and supporting structure, foundation and footings below the main floor level. Issues include no footings supporting foundation and both chimneys, large bow in rear foundation wall, large retaining wall at the rear of the property, migration of water through the foundation, rotten and/or decayed sil plates in contact with the ground, lack of or improperly supported main floor system, ECT. I conclude the foundation must be replaced; it cannot be repaired.

Recommend replacing the foundation and relocation of the dwelling be considered. The building should be moved to be closer to Shore Road to reduce loading from the Gabion retaining wall at rear of the property.

I cannot comment regarding cost of the project.

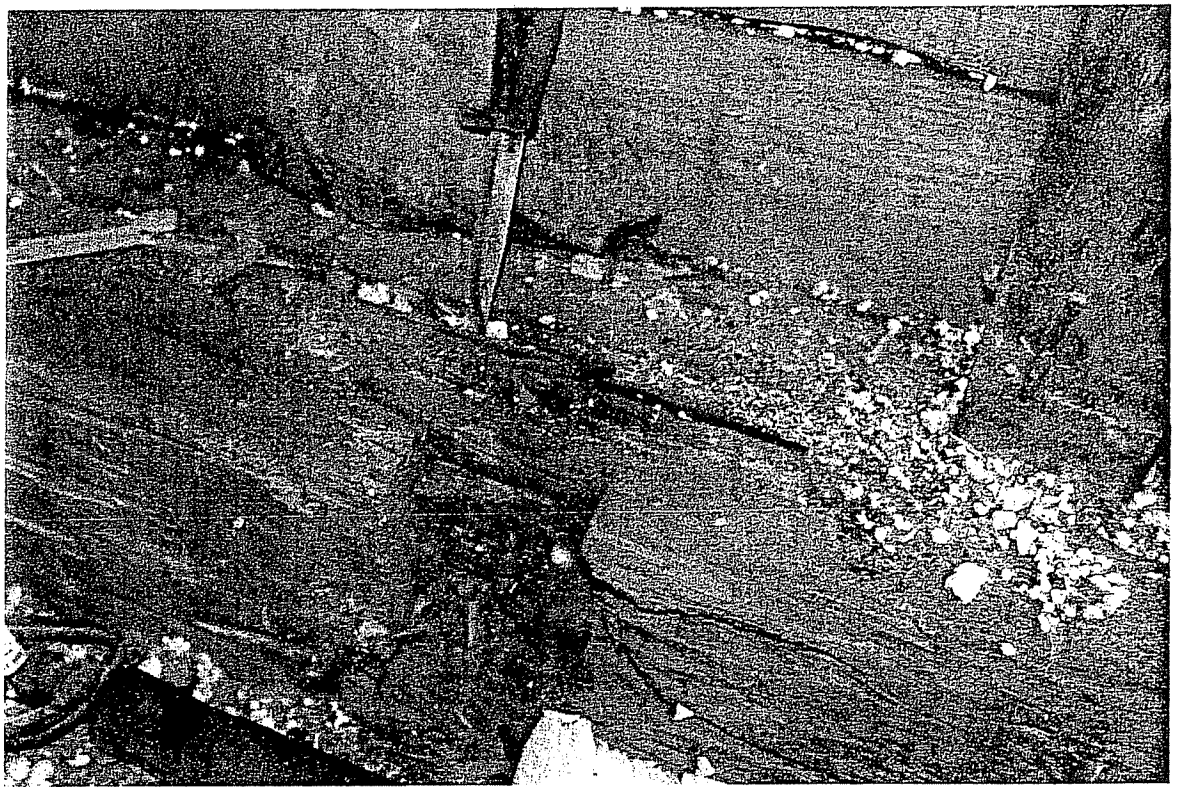
Photo's attached.

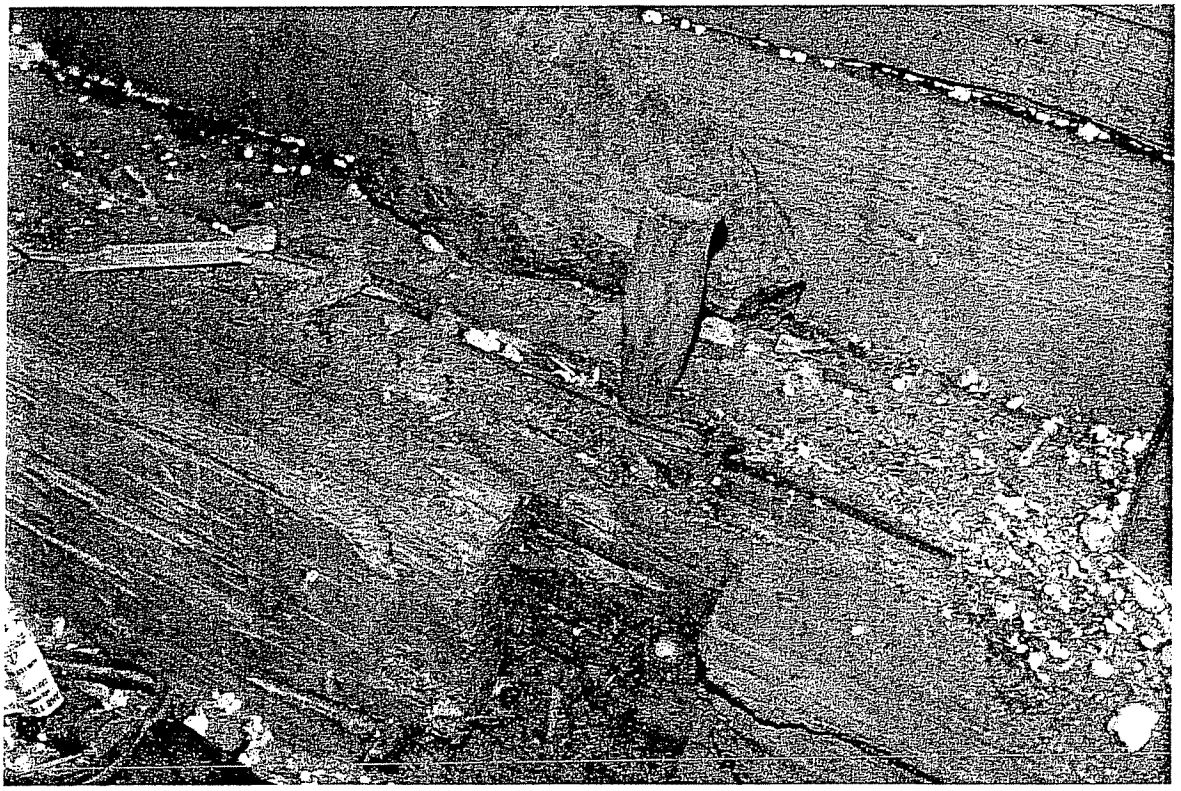
Mark Jamieson, CBO
Building Official, Central Region
Planning and Development Services
Halifax Regional Municipality
Phone : (902) 869-4252
Fax : (902) 869-4254
Cell : (902) 476-4825
email jamiesm@halifax.ca

" Building Safty is Public Safty - NSBOA "

CC: James Holt; Jim (Permits) Donovan

The next pictures are of the sills. We have taken the pictures of a knife with a 5 inch blade before and after it has been inserted into the rotten sill in various locations.





ATTACHMENT B

G.F. DUFFUS & COMPANY LTD.
ARCHITECTS

1496 Lower Water Street, Suite 314D
Box 27, Halifax, Nova Scotia
B3J 1R9 902/420-1851
Facsimile 902/425-7445
gfduffus@gfduffusandco.ca

Halifax Regional Municipality
Planning & Development Services
Heritage Property Program
Halifax, NS
B3J 3A5

September 21st, 2005

Attention: Maggie Holm
Heritage Planner

Re: 78 Shore Road, Dartmouth - Building Assessment

Dear Ms. Holm:

Thank you for the opportunity to undertake an assessment as outlined in your June 13th, 2005 Scope of Work. As requested, we made arrangements to visit 78 Shore Road with the owners in the third week of August, on August 17th, 2005. Unfortunately, with HAC meeting earlier than expected on August 24th, it was not possible to complete and submit our report to distribute for that meeting, however as the writer was at that meeting, on another matter, a brief overview of our findings was relayed. The Study Requirements were:

1. Inspection and written report on structural condition of foundation, footings, chimneys, sills and floor joists as previously identified by contractors and HRM building officials, plus any related items identified by the architect.

2. Discussion of options for stabilization, repair, or replacement, with associated cost estimates (ball park figures).

We met with Mr. Brian Fortune and Sandi Lovette early on the morning of August 17th and spent about three hours looking around and inside the building and listening to the owners' history, about the past assessments, and their present thinking for the building. We believe that the owner's purchased the building because of their interest in it's historic nature and style and because of the splendid view it offers of Halifax Harbour. They relied on a building inspection they had done before they purchased the property and it did not indicate any serious issues. Obviously their inspector did not recognize any of the signs, such as mold smell and sagging floors, but we suspect most of the basement's problems were covered up by the basement

/2

apartment's finishes. The basement has now been totally gutted and the stone walls, especially the back wall, certainly show movement and ultimately pose the greatest problem. Towards the end of our site visit, Mr. Fortune agreed to take down some newly applied rigid insulation, which he hoped would reduce the enormous heat loss experienced last winter, so that I could see some sills and some of the framing. Since then we have had a house mover/foundation contractor visit the site and provide their opinion and costing for our joint recommended option. Our findings are:

Structural Condition

Built in 1841, 78 Shore Road is a 2 ½ storey, wood framed building with a gable roof, two large chimneys and two five sides dormers at the front and the back. It is one of the oldest buildings in Dartmouth and was registered in the original 1982 listing. The building is about 34' wide and more than 24' deep and sits on a steep slope such that it is only 1 ½ storeys on the back. While the building is on a large double lot, it is only about three feet from the back property line, where-in lies the problem. At some time in the recent past, the uphill property looks to have been converted into apartments and in the process, a massive gabion wall was erected on the property line between the two. This wire basket wall full of rocks is over six feet tall along the backside of the house and appears to be perhaps three feet deep, or below the back grade. Being as it is so close and presumedly retains so much fill, it not only posses a hazard from possible collapse but undoubtably puts significant pressure on the rear stone foundation wall. We believe it could also be responsible for the rear wall displacement. Only a thorough study of the history of the walls would be able to confirm this should anyone still be available to advise. If the previous seller was responsible for hiding the bowed foundation, it is unlikely they would assist. The bottom line is that repair of this wall is seriously compromised. As to the other walls they appear relatively sound except near the front where the grade falls away outside. There is a large continuous crack on both sides which is probably the result of both the earth pressure change (at this point) and the lack of lateral restraint across the front wall. The front foundation is barely discernable but the wood sill seems to be spanning stone shims on the inside and outside the stone face is parged.

The two internal masonry chimneys are now exposed to view and have been dug out a bit at their base. This suggests there may not be any footings. Stone foundations in our experience rarely have anything one could call a footing. However, as bedrock protrudes from the base of the foundation in the left rear corner, we believe they are adequately founded and close to bedrock, if not on it. Neither chimney shows signs of cracking on their surface and the is very little evidence of rising damp. It has been suggested that the chimney foundations have moved. Therefore, we also looked at the main floor, second floor and in the attic space but did not see evidence of that. While we could not get up inside the attic, what we could see was that there was no evidence in the attic, on the visible faces, of movement through the roof sheathing. On the exterior of the chimneys, which are parged, they appeared in good condition with the counterflashing intact. If there was movement between the chimney and roof they would be bent or coming out of the

reglet. Unless this flashing is very new, we believe the chimneys are quite stable. Since the roofing is probably at least ten years old, maybe fifteen, we would expect them to be the same vintage. While there are cracks in the plaster walls by the chimneys on the second floor and some water stains, we believe these to be older and/or related to the wall/floor construction.

Now, on the main floor the wood floors slope dramatically from the chimneys to the centre hall, 4.4 % on the north and 5. 75% on the south, in the short distance to the walls. On the former, the adjacent kitchen floor has been built up and leveled. The floors also slope from the outside to the middle (sag). We found this to be of most interest and resolved to have some of the ceiling below opened up to show us what may be going on.

Mr. Fortune agreed to remove three areas of rigid insulation for our inspection. The basement has been gutted except for one wood stud wall that runs back to the chimney line on the north side of the centre hall. Upstairs it is important to note that the centre hall plan is consistent on the main floor and second. Why then was there no support in the basement under the south wall? Removal of the insulation revealed that the floor framing is one continuous floor joist across the depth of the building and presumably the same on the second. The centre hall is closed in for a ground floor bathroom and there was nowhere to verify this. However, with such a long span with only a 3" x 8" joist, it is not a surprise that the floor sags to the middle. More to the point, with no wall under the south centre hall wall to support the load, it is not a surprise that the floor also slopes to the centre hall wall. The north wall has got some support in the basement but this ends near the chimney and the area of greatest slope, in the north parlor, is unsupported in the basement as well. There is a steel beam running between the two chimneys which was probably added when the apartment conversion was undertaken, but did not raise the floor, only shortened the span and supported the over stressed floor joists. **In our opinion the floor settlement is totally the result of over stressed floor joists and unsupported walls. We do not believe the chimneys have moved substantially.**

The other major issue of concern was sills and suggestions they were rotted. We took down 8' of insulation along the back (east) wall in between the chimneys and looked at all sills finding no sign of rot whatsoever. On the south we looked at one section and while we could not prob it, it looked fine. The west beam carrying the main floor joists was probed from below and from outside and was sound. However the old shingles at the deck level are rotted. The front (waterside) sill (below the deck) is exposed to view and except for about the top two feet under the north window, the top, side and exposed bottom was sound. We are unsure of the sill end condition as it goes into the north foundation wall. On the back of the house, we tore off shingles opposite the inside portion, removed earlier, at the point where the grade is highest and found the sill to be in excellent condition. **Consequently we feel confident to say, there does not appear to be any serious rot to the sills and repairs should not be difficult or costly.** Based on the watertable design with a flared shingle at the bottom, we would not expect to find a lot more rot.

In the basement, there was a wood floor (since removed) with the wood floor joists morticed into the front sill and into the back of both chimneys. This probably was rotting as it was close to the dirt, but there was no proof of that on our inspection. We would not recommend replacement with wood. The house does have some maintenance issues that might be dealt with once this situation is resolved.

The dormer shingles are too close to the roofing and as such are rotting. The front dormers are in fairly good condition but the back are not, and there is only one window in them. Some window sills are rotted and some shingles are as well. Various trims and casings need repair and painting. It appears the roof has been built up on one side as an inappropriate trim covers a gap not found on the other side. The rack moulding is original as is the skirt and other trims which are nice and should be retained. Only the north side has the original watertable which should be duplicated for the south side.

Excepts from our Standard Methodology which apply:
Buildings of this vintage and unique architectural heritage require a philosophical framework to be established for remedial and future maintenance. The fundamental principal to be followed throughout our conservation approach will be that of minimum intervention, whenever possible. This dictates that all work should be guided by the concept of preserving the existing materials whenever technically and economically feasible.

The second type of intervention which will apply, identifies certain components of the building which have definitely outlived their life expectancy or have failed due to lack of maintenance or from improper detailing. These areas may require total replacement and possible refinement to correct the source of the problem. Third; redesign for new requirements, if requested, will require careful integration so as to minimize intervention on original fabric. This may eventually include required upgrading of the interior systems and services and how they impact on the historic interior.

Options for Stabilization

Having been a contractor and restored an 1828 Georgian, an 1853 Halifax House & an 1872 Victorian with similar problems, and having put new foundations under three Historic structures, I still found this somewhat perplexing as to what should be done and have given it considerable thought over since our visits. The first thought was of course could the old wall be rebuilt? We know that Horticulture Hall (1847), in the Public Gardens, had most of its stone walls taken down and rebuilt on new footings and its floor lowered, around 1995. This cost close to $100,000 we understand. Add to the dilemma the dubious nature of the gabion wall behind the bowed rear stone wall and any attempt to take down and rebuild this back wall becomes very risky to say the least. What can be done and is it cost effective? The options list is quite short really.

1. Take down and rebuild stone wall in small sections.
2. Build a new concrete foundation and move house onto it.
3. Sub divide the property, sell the house and build a new house on the adjacent new lot.
4. Sell the property to someone willing to salvage it.
5. Demolish the historic house and build a new one.

Realistically Option 1 is too risky and too expensive and Option 5 is not economic. Option 2,3 & 4 are effectively the same, with only the variable of ownership and occupancy. Option 2 is the only economic solution that we feel minimizes changes to the so called "defining characteristics" of the building. In this option the house would be raised about 6" and a new concrete foundation would be poured on four sides about four feet further downhill towards the water. This would allow drainage to be placed around the foundation; it would maintain the old stone foundation as a retaining wall and re-support it by providing a new concrete retaining wall foundation. The stone foundation is parged so a concrete foundation if also parged will look the same. We would suggest a concrete kneewall up to the front windows to provide addition lateral support. A new concrete slab on grade will provide the proper floor for a new apartment and support new loadbearing walls required below the centre hall walls. Some jacking could be attempted to level the old floors but we suspect this will be somewhat problematic as joists are now permanently deformed and nails have been pulled and later modifications such as floor and roof leveling will also restrain these efforts. If walls were stripped and a general gutting done it could be achieved to some extent, but given the money already required to be spent to make this a home again we do not recommend going to that extent. Stabilization should be the goal.

We have been given a quote/budget from Ross Lynch House Moving from Uniacke to lift and move the house on a new 10" concrete foundation four feet forward. This includes removal and disposal of the front deck, and dismantling of the side deck and trellis and all excavations, as I understand it. The price is $28, 200 plus HST. We would estimate re-fitting out the basement apartment at $30-40,000. Miscellaneous other work, such as repairs to plaster, wood work repairs, deck replacement to the side could range between $10,000 to $20,000. By comparison demolition would cost $10,000-15,000 and a new house $200,000 minimum, probably more. The basement apartment makes sense as the income would ultimately pay for its cost. It seems to us that if the Owners want to live on this property, Option 2 or 3 are the choices. The only other possibility is development for a higher use, which should not be allowed. This is one of the oldest homes in Dartmouth and its registration is its protection, for the public good.

We do not know if the $80,000 noted by the Owner's contractor included the apartment. If it did then these costs are comparable, however we believe they did not and therefore we think the basic cost to provide the new foundation and make the necessary repairs would be about half that and should be easier to commit to. This has not been a great investment for the Owners but realistically, there is little else that they can do now beside put in the new foundation or sell.

We understand the house is for sale now, but the owners may have the winter to get through before it's fate is finally decided and the heating costs have been very high since the basement was gutted.. We note that the 2" of rigid insulation (R10) installed in the ceiling of the basement to reduce the heat loss is not very effective. There is no insulation on the foundation walls around the perimeter and it will remain very cold on the floor. This should be removed and R28 fiberglass insulation installed between the floor joists. This can be put on top of the stone foundations as well and will significantly reduce the heat loss. Strapping will be needed to hold it in and certainly they could reinstall the rigid insulation over that to improve it even more.

We trust this is the information you require. Please let us know if you require any more assistance or clarifications.

Thank you for this opportunity.

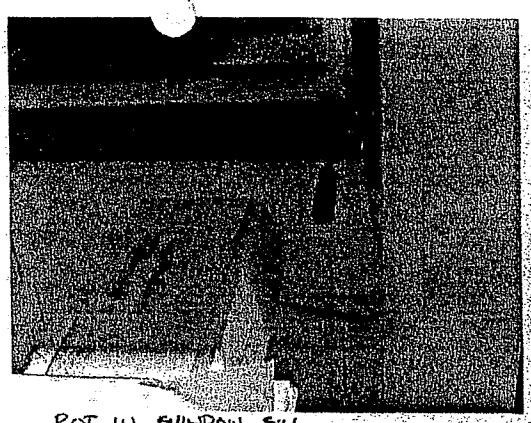
Yours truly,
G. F. Duffus & Company Limited

Graeme F. Duffus.
Graeme F. Duffus, NSAA MRAIC

Att: 6 pages (52) photos of conditions indicated in report

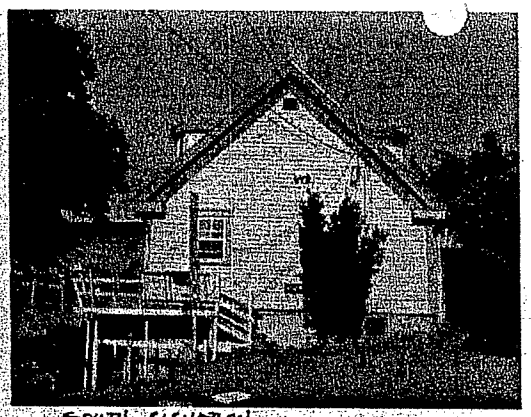
SOUTH GABLE
BACK WALL @ STEP/LANDING - MIN. DST STRUCTURES.
BACK ALLEY ENTRANCE
BACK WALL
CENTER BOARD - UNMETERED.
CENTER WATER TABLE - OVER.
BACK ALLEY - CABLES ON LEFT.
BACK ALLEY - CABLES ON RIGHT.

NORTH
2' OF SILL POST
SOUTH WALL FOUNDATION - FRONT WALL
CHIMNEY
CHIMNEY
NORTH WEST
SILL AT NORTH FOUNDATION
FRONT SILL
NORTH HALF OF LOT



ROT IN WINDOW SILL

CHIMNEY FLASHING / SHINGLES ROOF & DORMER

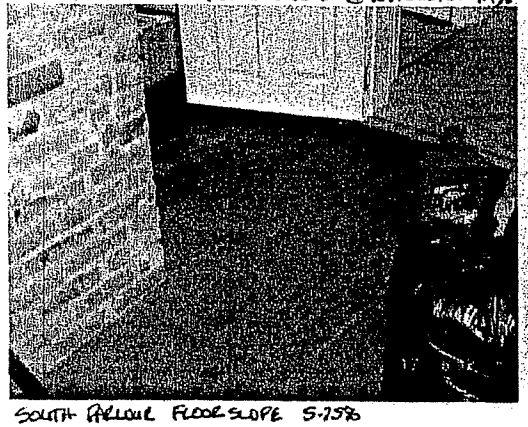


SOUTH ELEVATION

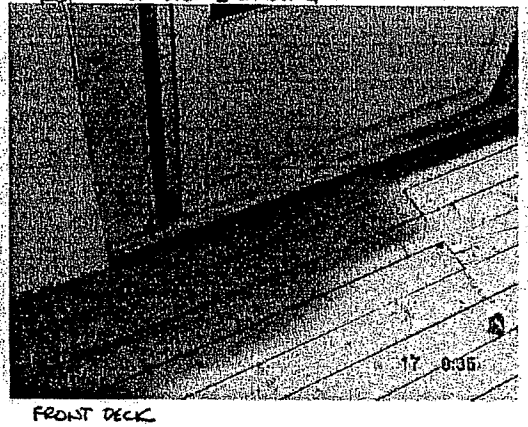
NORTH PARLOR FLOOR SLOPE @ KITCHEN 9.4%

ROT DOOR SILL & CASING

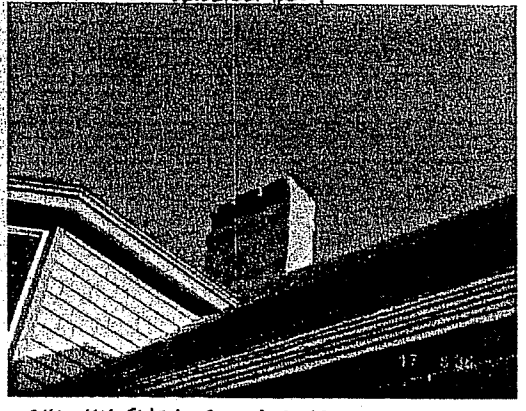
SHINGLE DETERIORATION



SOUTH PARLOR FLOOR SLOPE 5.75%

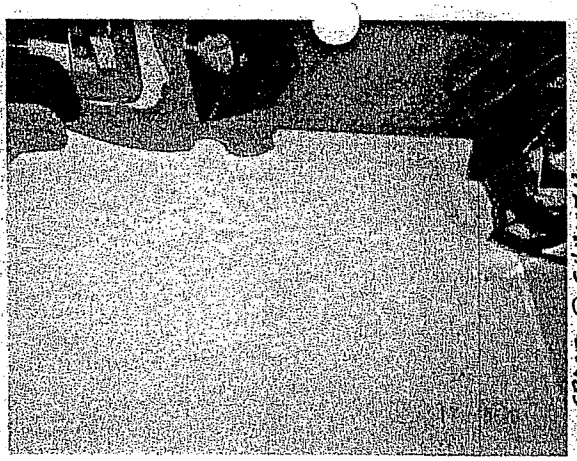


FRONT DECK



CHIMNEY FLASHING - DORMER

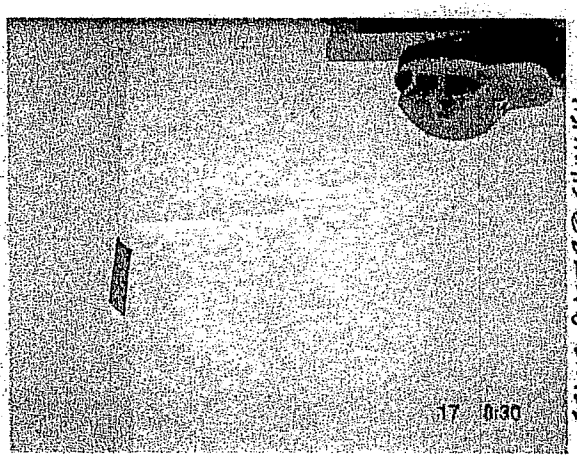
ATTIC FRAMING - CHIMNEY



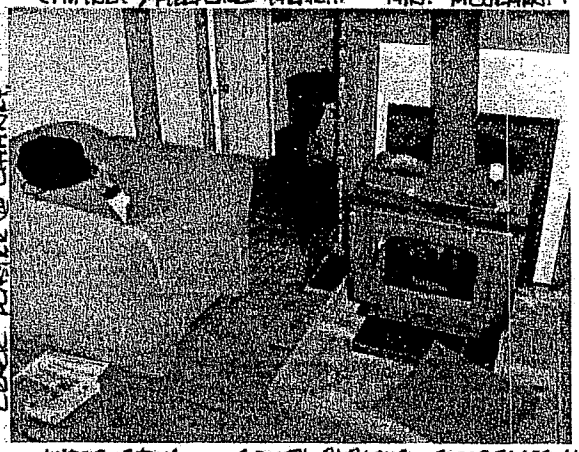
CRACK @ CHIMNEY

CHIMNEY / FIREPLACE HEARTH MIN. MOISTMENT.

ATTIC @ CHIMNEY.

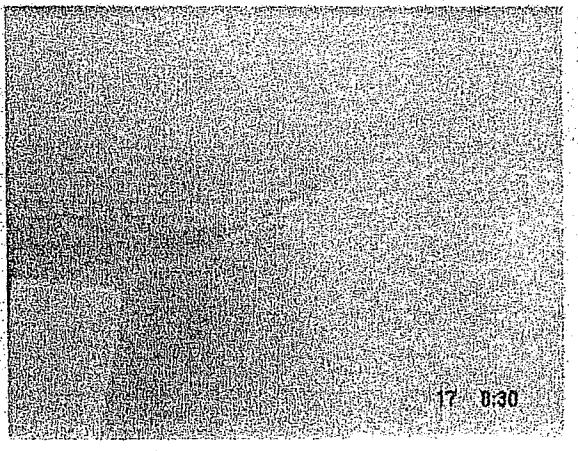


CRACK PLASTER @ CHIMNEY.



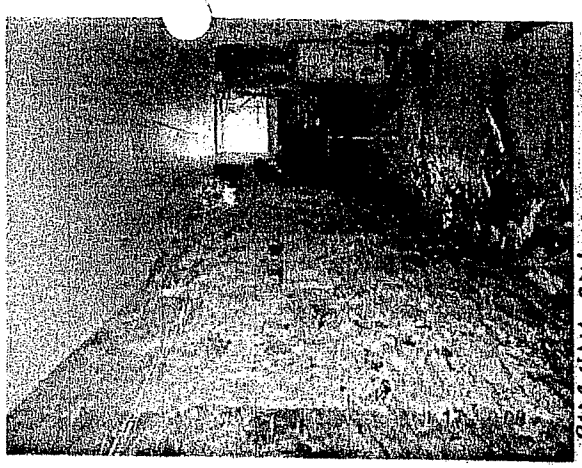
WOOD STOVE - SOUTH PARLOUR FLOOR SLOPE LHS

DOOR SLOPE - EVIDENCE OF EARLY FLOORING.

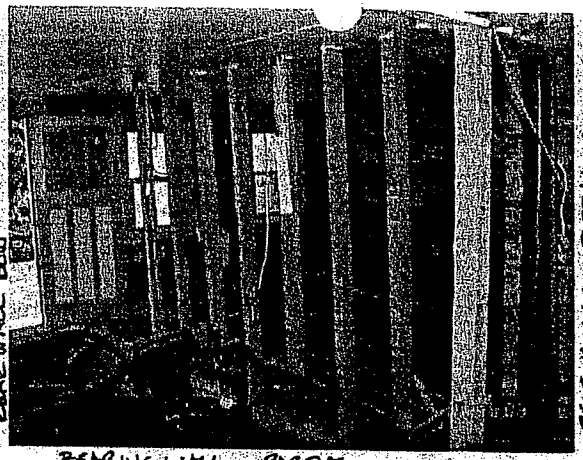


WATER STAIN CEILING.

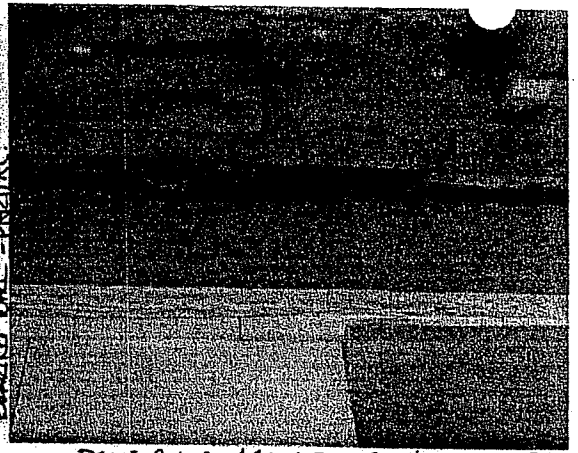
2ND FLOOR LOOKING DOWN STAIR.



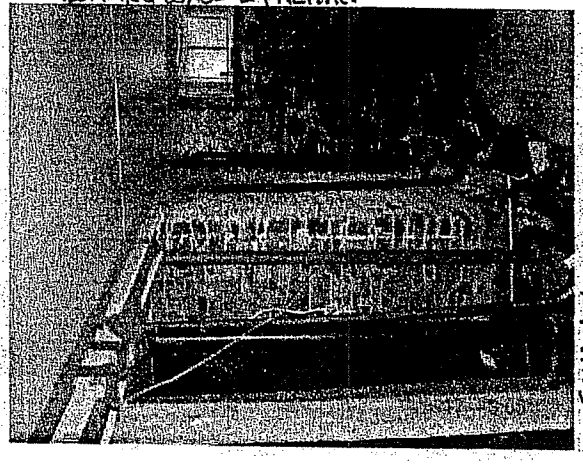
REAR WALL BOW



BEARING WALL - PARTIAL.



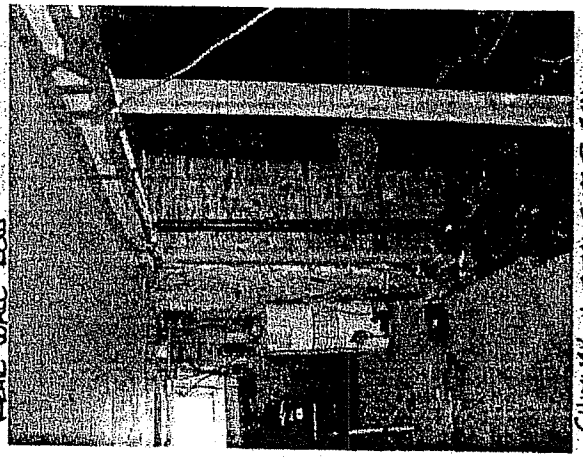
BEARING WALL - PARTIAL.



SAME LOT.

DECK PLATE AGAINST OLD SHINGLES - BOT

REAR WALL BOW



CHIMNEY W. STILL STAND BEH

DUG OUT CHIMNEY.

OLD FLOOR JOIST LOCATION ON CHIMNEY.

REAR WALL ASPHALT SHINGLES REMOVED - SILL OK

INADEQUATE FLUE - REBUILT UP ROOF?

ORIGINAL CABLE METAL STEM

REAR BOWED WALL

CRACK IN SOUTH FOUNDATION.

CRACK IN NORTH FOUNDATION.

CRACK IN PACIFIC - SOUTH WALL

ATTACHMENT C

Heritage Trust of Nova Scotia

Alan V. Parish
President

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December 5, 2005

VIA FACSIMILE: 490-4406

Ms. Maggie Holm
Heritage Planner
Halifax Regional Municipality, Planning Services
6960 Mumford Road,
West End Mall
PO Box 1749
Halifax, NS B3J 3A5

Dear Maggie:

Re: 78 Shore Road

As you know, the Heritage Trust was very interested in attempting to preserve this historic property. To that end, we requisitioned an appraisal of the property which was received about two weeks ago, with the thought that we might offer to purchase it, fix it up, register it provincially and then sell it.

This issue of whether or not to offer to purchase the property came before the board of the Heritage Trust on Saturday, November 26th. After a long debate, with some dissent, the board decided not to make an offer to purchase the property. I will say that it was not because the board felt that the property was not worth saving or that the Trust would not like to do what it can to attempt to save the property. The reason for turning down the suggestion that we purchase the property was simply the issue of whether or not the Trust had the funds required to purchase the property, fix it up and take the risk of a monetary loss.

If we can be of further assistance, please do not hesitate to contact me.

Yours very truly,

Alan V. Parish

AVP/ang
259138.1