



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

Heritage Advisory Committee
February 25, 2015

TO: Chair and Members of the Heritage Advisory Committee

SUBMITTED BY: Original Signed
Bob Bjerke, Chief Planner & Director, Planning and Development

DATE: February 4, 2015

SUBJECT: **Case H00409: Request to Deregister 2267 Brunswick Street, Halifax as a Municipal Heritage Property**

ORIGIN

Request by the Parish of St. Patrick's Church

LEGISLATIVE AUTHORITY

The Heritage Property Act

RECOMMENDATION

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

1. Refuse the request to deregister St. Patrick's Rectory located at 2267 Brunswick Street, Halifax;
2. Direct staff to begin a new registration process for the St. Patrick's Rectory located at 2267 Brunswick Street, Halifax as a municipal heritage property based on its own heritage value; and
3. Direct staff to begin a new registration process for the registration for St. Patrick's Church located at 2263 Brunswick Street, Halifax as a municipal heritage property due to errors in the 1982 municipal heritage registration.

BACKGROUND

A request has been made by the St. Patrick's Parish, on behalf of the Roman Catholic Episcopal Corporation, to deregister the St. Patrick's Rectory located at 2267 Brunswick Street, Halifax as a municipal heritage property (Attachment A) (Map 1).

The Rectory (2267 Brunswick Street) is located beside St. Patrick's Roman Catholic Church (2263 Brunswick Street), and each building resides on its own parcel of land. On January 28, 1982 the former City of Halifax approved a heritage registration for "St. Patrick's Church, 2267 Brunswick Street" (Attachment B). However, the heritage designation for the Church was registered on the Rectory property. The church has requested the registration be removed from the Rectory as they are trying to sell the building and property. On June 16, 1989, St. Patrick's Church (2263 Brunswick Street) was designated as a provincially registered heritage property.

Redevelopment Proposal

The applicant is requesting the removal of the heritage designation from the Rectory as they understand the intent of the 1982 registration process was to register St. Patrick's Church and that an administrative error caused the registration to be applied to the Rectory. The applicant has indicated that the Church uses the Rectory as its mailing address, and they believe this to be the source of the error.

The Church has placed the Rectory property for sale with the aim of raising funds needed to aid in the on-going conservation of St. Patrick's Church. The applicant has indicated that the Rectory is no longer needed for the running of St. Patrick's Church, and that the day-to-day costs of heat and electricity for the Rectory places a significant burden on the parish. Presently there is an offer to purchase the Rectory property by a private developer, which is contingent upon municipal approvals for an internal conversion of the property to a nine unit dwelling proposal which is not permitted due to the current land use provisions for heritage properties.

Development Provisions

The Rectory property is zoned R-2 under the Halifax Peninsula Land Use By-law (LUB). It falls under the Peninsula North Secondary Planning Strategy, and Schedule HA-1, the Brunswick Street Heritage Conservation Area, of the LUB. The LUB provides that: "Notwithstanding Sections 6(1), 6(2A) and 37 to 40 a building, **excluding an accessory building or a registered heritage building**, in existence on the date of adoption of this Section, located in "Schedule HA-1", may be converted into an apartment house..." [**emphasis added**]. Therefore, the proposed redevelopment for the Rectory is not permitted under the as-of-right provisions of the LUB. Instead, as a municipally registered heritage property, the owner would be able to make an application for a development agreement in accordance with Policy 6.8 of the City-Wide policies of the MPS that allows for 'any development or change in use not otherwise permitted by the land use designation and zone.'

Heritage Property Act – Deregistration Requirements

Section 16 of the *Heritage Property Act* outlines the process and conditions that must be met when considering a deregistration request, as follows:

"Deregistration of municipal heritage property:

16 (1) On the application of an owner of a municipal heritage property or on its own motion, the council may deregister 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 as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner, after holding a public hearing to consider the proposed deregistration.

(2) Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.

(3) Where a municipal heritage property is deregistered, the council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited in the registry of deeds for the registration district in which the property is situate. R.S., c. 199, s. 16; 2010, c. 54, s. 12."

Section 16(1) (b) allows Regional Council to deregister the property if there is a loss of heritage value, as identified in the heritage property's heritage file, or notice of recommendation. The 1982 Notice of Recommendation in the property file does not include any information on heritage value for the Rectory, and only limited information regarding the Church.

DISCUSSION

The *Heritage Property Act* came into effect in 1980, and municipal heritage registrations which occurred in the former City of Halifax during the early years of the heritage property program only cited building names and civic addresses. There were no additional property identifiers such as property identification numbers (PIDs) or maps illustrating the property.

The required Notice of Recommendation to Register as a Municipal Heritage Property (Form A) made reference to the reasons for the proposed designation being "that the property has been evaluated under the Heritage Resource Evaluation and Protection System adopted by the City of Halifax on July 27, 1978 and has scored not fewer than the minimum of forty-five (45) points required for registration. Scoring details and a supporting excerpt from the July 1978 report are attached."

In most cases the supporting documentation referenced in the registration documents is not attached to the documents filed at the Registry of Deeds, nor are they found in the Heritage Property program property files. However, in this case the referenced documentation is located in the Heritage Evaluation and Protection System (Attachment C). It gives a summary of the heritage values for St. Patrick's Church and includes a photograph of it; but lists the civic address as 2267 Brunswick Street. There is no mention of the Rectory.

Additionally, it appears that there has been some confusion regarding the civic address for both St. Patrick's Church and the Rectory over the years, depending on the source of the information, as illustrated in the following chart:

<i>Date/Source</i>	<i>St. Patrick's Church</i>	<i>St. Patrick's Rectory</i>
1878: Hopkins Map (one large property)	307 Brunswick St.	307 Brunswick St.
1963: City of Halifax – map rolls	2253 Brunswick St.	2263 & 2267 Brunswick St
1971: City of Halifax – Plan of Survey: (plan TT-14-19013)	2253 Brunswick St.	2263 & 2267 Brunswick St
1978: Evaluation & Protection System for Heritage Resources in Halifax	2267 Brunswick St.	n/a
1979: City of Halifax – Plan of Survey: (plan 18068)	2263 Brunswick St.	2267 Brunswick St.
1982: Heritage Registration	2267 Brunswick St.	n/a

2013: Church Mortgage	2253 Brunswick St.	2263 & 2267 Brunswick St
2013: HRM Zoning Confirmation letter	n/a	2267 Brunswick St
2014: Civic Addressing data (confirmed 2001)	2263 Brunswick St.	2267 Brunswick St.

The applicant's letter requesting deregistration confirms that "The building, St. Patrick's Church, has occupied the separate lot at 2263 Brunswick Street for 131 years replacing a previous building also known as Saint Patrick's Church." Further to this, staff has determined that there has been no reconfiguration of the property boundaries which might have caused error or confusion.

Regardless of the intent of the 1982 heritage registration, the registration documents have been placed on title at the Registry of Deeds for the Rectory property located at 2267 Brunswick Street. Typically, staff recommends in favor of a deregistration that would correct a mistaken registration. However, staff advise that the Rectory has significant heritage value which warrants its continued registration.

Heritage Value of St. Patrick's Rectory (2267 Brunswick Street)

The St. Patrick's Rectory has significant heritage value and character defining elements to warrant a municipal heritage registration (Attachment D). While there is no heritage file for the Rectory, the following background information relative to the building's heritage value and character defining elements has been prepared by staff for Regional Council's consideration.

Heritage Value: Architect Henry Peters, with assistant George H. Jost, designed St. Patrick's Church. After its completion in 1883, Peters began designing a residence for the priests of the parish. The Rectory was designed to complement the architecture of the Church with its brick construction and gothic wooden gable details on the third floor windows (Attachment E).

The St. Patrick's Glebe (the Rectory), purpose built for the parish priests, was completed in 1889. The building included a rear two storey section which housed the kitchen and pantry on the main floor, and house-keepers rooms on the second floor. In 1936 an additional 2 storey bay was added to the Rectory giving it an asymmetrical layout, but constructed in brick and designed to match the original building. It is not immediately evident that a fourth bay on building was an addition. In total the building houses 20 rooms and 8 bathrooms. The Halifax Explosion of 1917 destroyed much of north-end Halifax, known as the Richmond area, including St. Joseph's Catholic Church. The priest of St. Joseph's Church came to live in St. Patrick's Rectory until their buildings could be rebuilt.

Character Defining Elements: The main 2 storey entrance, once centrally located in the façade, projects out from the building and is topped with a steeply pitched gabled dormer comprised of brick. The mansard roof has a modest eave overhang supported by a decorative cornice having both dentils and brackets. Each bay has a defined simple brick pilaster that interrupts the string course, and a single gabled dormer decorated with simple fretwork which houses a set of paired windows.

The brick masonry is laid in a plain running bond with a decorative corbelled brick string course that includes a dogs-tooth pattern. The vertically proportioned, arched windows have granite sills and key stones. As a brick institutional building designed in the Victorian Gothic style it is a relatively rare example in Halifax which strongly contributes not only to the Church to which it is connected, but also to the general area of Brunswick Street.

The above information indicates that the Rectory has sufficient heritage value to allow for the consideration of a new municipal heritage registration for the building on its own merits, and it is recommended that Regional Council should direct staff to begin that process. The process of registering a property has changed in the past thirty years. Heritage staff now carefully creates a description outlining

the heritage value embodied in the heritage property at the time of registration, or when an intervention¹ to the building is being proposed. These descriptions of heritage value and character defining elements aid in the understanding and conservation of our heritage properties.

A subsequent new registration would serve to not only recognize the heritage value of the building, but will also enable incentives such as grants and provincial tax rebates. Further, it would also provide the protection from demolition and substantial alteration which is afforded by the *Heritage Property Act*.

Heritage Value of St. Patrick's Church (2263 Brunswick Street)

As noted above, the intent of the original heritage registration in 1982 was seemingly to register St. Patrick's Church (Attachment E). The heritage value outlined in the original heritage summary that are found in the Evaluation and Protection System for Heritage Resources in Halifax remain relevant for St. Patrick's Church (Attachment C). To correct the municipal heritage registration of St. Patrick's Church, staff recommends that a new registration process be undertaken to have municipal heritage registration placed on the correct address. Regional Council should direct staff to initiate this process.

MPS and LUB Amendments – Brunswick St. Heritage Conservation Area

In the past, there have been other redevelopment proposals of heritage properties falling within the Brunswick Street Heritage Conservation Area which did not proceed. Proposals for internal conversions, such as the one envisioned for the Rectory, were refused due to their heritage status.

Staff advise that the provisions of the current MPS and LUB may act as a disincentive for the registration and conservation of municipal heritage properties in the BSHCA by prohibiting as-of-right internal conversions to other uses. This matter should be reviewed in detail as a component of the Centre Plan process and amendments to land use regulation recommended to Council to enable internal conversions for heritage properties.

Conclusions

After thorough review of the heritage property file and other relevant documentation, it is reasonable to conclude that the intent of the 1982 heritage registration was to have it apply to St. Patrick's Church. However, the required registration documents were filed against the Rectory property due to administrative errors.

The *Heritage Property Act* outlines specific processes to both register and deregister a property as a municipal heritage property. The registration of the Rectory, regardless of intent or error, cannot simply be removed from title or placed on another property. The *Heritage Property Act* sets out the criteria for deregistering a property in Section 16 and even though the heritage value for the Rectory has not been listed, staff advise that the test of section 16(1)(b) has not been met as the Rectory has not been damaged, destroyed, or lost its heritage value. However, if Council disagrees with staff's advice in this regard and wants to deregister the Rectory, Council could hold a public hearing to consider its deregistration (see Alternative 1).

Should Council determine that the Rectory should retain its heritage registration the redevelopment proposal of an internal conversion to 9 residential units could only proceed through a development agreement. As a registered heritage building it would not be eligible for an as-of-right internal conversion in accordance with the LUB. If Council choose to deregister the Rectory permits could be issued for an internal conversion of 9 units in accordance with the provision of the LUB in an as-of-right manner, after the completion of the deregistration process.

¹ *The Standards and Guidelines for the Conservation of Historic Places in Canada* defines "Intervention" as any action, other than demolition or destruction that results in a physical change to an element of a historic place.

FINANCIAL IMPLICATIONS

The HRM costs associated with advertising and processing this application can be accommodated within the approved 2014/15 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process for a heritage registration is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing achieved through public accessibility to the required Heritage Advisory Committee meeting. As a provision of the Heritage Property Act, no registration of a municipal heritage property shall take place until Regional Council has given the owner of the property an opportunity to be heard. Therefore, only the property owner(s) will have the opportunity to speak at the heritage hearing.

The community engagement process for a heritage deregistration is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing achieved through public accessibility to the required Heritage Advisory Committee meeting. A public hearing must be held by Regional Council before it may deregister a municipal heritage property. Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.

ALTERNATIVES

1. The Heritage Advisory Committee may recommend that Regional Council commence the deregistration process by:
 - a) Setting a public hearing date to consider the deregistration of St. Patrick's Rectory located at 2267 Brunswick Street, Halifax; and
 - b) Deregister St. Patrick's Rectory located at 2267 Brunswick Street, Halifax as a municipal heritage property due to the error in the 1982 municipal heritage registration.

This is not a recommended course of action for the reasons outlined in this report.

2. The Heritage Advisory Committee may recommend that Regional Council not direct staff to proceed with a new registration of St. Patrick's Church located at 2263 Brunswick Street, Halifax. This is not a recommended course of action for the reasons outlined in this report.

ATTACHMENTS

Map 1: Location Map

Attachment A: Letter Requesting Deregistration of 2267 Brunswick Street

Attachment B: Municipal Heritage Registration Notices

Attachment C: Heritage Resource Evaluation and Protection System - Pg III-8

Attachment D: Recent Photographs of St. Patrick's Church

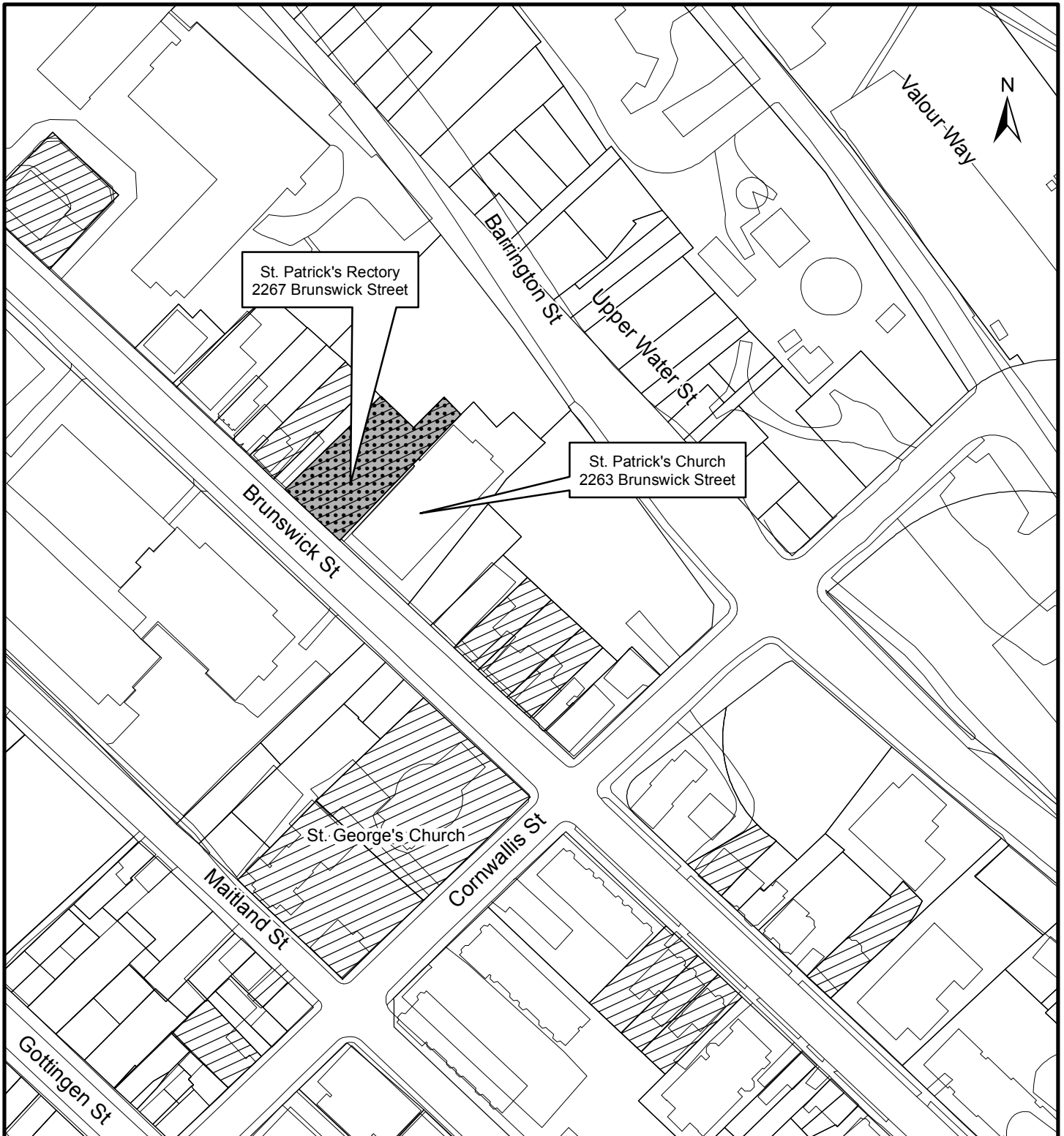
Attachment E: Recent Photographs of St. Patrick's Rectory

A copy of this report can be obtained online at <http://www.halifax.ca/boardscom/hac/index.php> then choose the appropriate Heritage Advisory Committee meeting date, or by contacting the Office of the Municipal Clerk at (902) 490-4210, or Fax (902) 490-4208.

Report Prepared by: Maggie Holm, Heritage Planner, (902) 490-4419

Original Signed



Report Approved by: Kelly Denty, Manager of Development Approvals, (902) 490-4800



Map 1 - Location

2263 & 2267 Brunswick Street
Halifax

HALIFAX

-  Areas to be deregistered
-  Existing Municipally Registered Heritage Properties



Halifax Peninsula
Land Use By-Law Area

The accuracy of any representation on
this plan is not guaranteed.

Saint Patrick's



2267 Brunswick St. ♦ Halifax NS ♦ B3K 2Y9 ♦ Tel: (902)-429-1300; Fax: (902)-420-1930 ♦ st.pats@ns.sympatico.ca

October 23, 2014

Maggie Holm, Heritage Planner
HRM Heritage Property Program
Halifax Regional Municipality
PO Box 1749
Halifax, Nova Scotia
B3J 3A5

Dear Ms Holm

Re Clerical Error/Application to Deregister Property at 2267 Brunswick Street

On behalf of the Parish of Saint Patrick's and representing the owner, the Roman Catholic Episcopal Corporation, please accept this request to deregister the property at civic address 2267 Brunswick Street, Halifax.

This property is registered as Saint Patrick's Church – 2267 Brunswick Street. This is obviously a clerical error. Saint Patrick's Church is located at 2263 Brunswick Street with mailing address at 2267. We had hoped that it would be easy to correct the error that refers to a house as Saint Patrick's Church. The building, Saint Patrick's Church, has occupied the separate lot at 2263 Brunswick Street for 131 years replacing a previous building also known as Saint Patrick's Church.

To follow the process as forwarded by you, we are applying under the section of the Heritage Act 16 (1) (b) that states "the continued registration of the property appears to council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation."

As the registration process was to apply to Saint Patrick's Church and, as the building that is Saint Patrick's Church is not located at 2267 Brunswick Street, the continued registration of the property at 2267 Brunswick Street is inappropriate. For this reason, the Roman Catholic Episcopal Corporation, owner of the property at 2267 Brunswick Street, asks that the heritage registration of this property be revoked by members of HRM Council and notice be forwarded to the Registry of Deeds.

For further information you may contact Blair Beed, 902-455-9977 who is managing the property at 2267 Brunswick Street.

Yours truly,

< ORIGINAL SIGNED 

Father Jean-Marc Laporte, S.J.
Priest-in-Charge, Saint Patrick's Parish

Registered Mail

46819
CITY OF HALIFAX
46819
ORDINANCE NUMBER 174

Form "A"

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(THE HERITAGE PROPERTY ORDINANCE)

NOTICE OF RECOMMENDATION TO REGISTER
AS A MUNICIPAL HERITAGE PROPERTY

TO: Roman Catholic Episcopal Corp.
6541 Coburg Road,
Halifax, N.S.

You are hereby notified that:

1. The land and building located at
St. Patrick's Church
2267 Brunswick Street

has been recommended to be registered in the Halifax Registry of
Heritage Property.

2. The reasons for this proposed designation are:

That the property has been evaluated under the
Heritage Resource Evaluation and Protection
System adopted by the City Council on July 27,
1978 and has scored not fewer than the minimum
of forty-five (45) points required for registration.
Scoring details and a supporting excerpt from the
July 1978 report are attached.

3. Section 13(4) of the Heritage Property Act prohibits
demolition or any substantial alteration of the appearance of
a property described herein for a period of one hundred and twenty
(120) days from the date of service of this notice, unless the Council

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sooner refuses to register the property.

4. The effect of recommendation and registration in the Halifax Registry of Heritage Property described in paragraph 1 is that no demolition or substantial alteration in exterior appearance may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the City and the application is granted with or without conditions. Where such application is not approved the owner may make the alterations 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 application.

5. You are hereby notified that the Council will sit to hear any objections regarding the recommendation of the property described in this notice on the 30th day of November, 1981 at 2:00 p.m., at The Council Chamber, City Hall, 1841 Argyle Street, Halifax.

Information and particulars concerning the reasons for recommendation are available from the office of the City Clerk for the City of Halifax weekdays from 9:00 a.m. to 4:30 p.m.

DATED this 5th day of November, 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 1:46 o'clock P.M., on the 6th day of Nov. A.D. 1981 in Book Number 3533 at Pages 121-122

Original Signed
Registrar of Deeds for the Registration Office of the County of Halifax

Original Signed

City Clerk

DL3533

DL3908

7/13/

1:46 pm
Nov 6 1981

46819



CITY OF HALIFAX

ORDINANCE NUMBER 174

(THE HERITAGE PROPERTY ORDINANCE)

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

TO:

Roman Catholic Episcopal Corp.
6541 Coburg Road
Halifax, Nova Scotia

You are hereby notified that:

- 1. The land and building located at:

St. Patrick's Church
2267 Brunswick Street

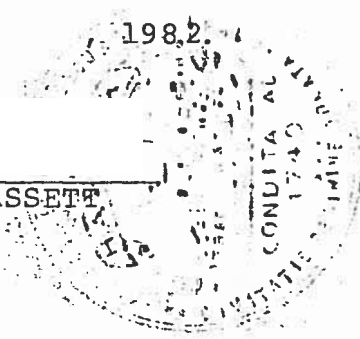
has been registered in the Halifax Registry of Heritage Property by resolution adopted at a meeting of Council the 28th day of January, 1982.

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 registration 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 2nd day of February 1982.

Original Signed

G.I. BLENNERHASSETT
CITY CLERK



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 11:06 o'clock A. M. on the 5 day of Feb. A. D. 19 82 in Book Number 3552 at Pages 941

Original Signed
Registrar of Deeds for the County of Halifax

III-8

CATEGORY/SUBCATEGORY

Heritage Buildings/Churches

ADDRESS

2267 Brunswick Street

NAME

St. Patrick's Church

LOCATION

CT 10 (02101000102267)

OWNER

Roman Catholic Episcopal
Corporation

6541 Coburg Road

CONSTRUCTION DATE

1883

STYLE OF ARCHITECTURE

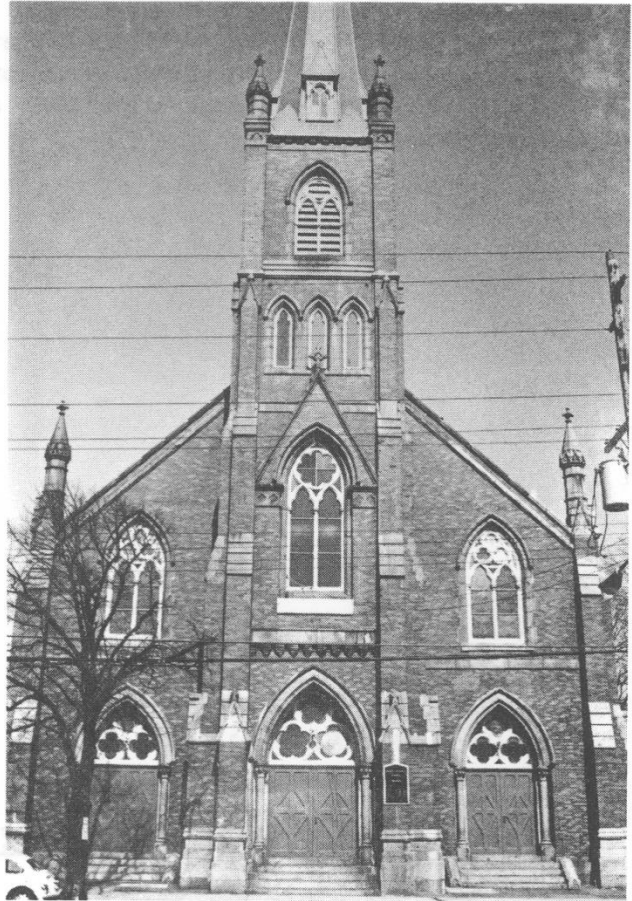
Victorian Gothic

USE OF BUILDING

Church

HISTORIC ASSOCIATIONS

G. H. Jost was the architect for this church and Henry Peters was the builder. Two notable archbishops associated with St. Patrick's were Archbishop Hannon and Archbishop O'Brien.



ARCHITECTURAL COMMENTS

This is a brick structure with granite trim. The sides have been faced with stucco. It has a symmetrical front facade with typical Gothic detailing: hood drip moulds, spires, window tracery, and buttresses. The church has lovely stained-glass windows and its interior is elaborately decorated.

SOURCES OF INFORMATION

File

Brunswick Street, a survey of buildings and environs

Attachment D: Recent Photograph of St. Patrick's Rectory



Attachment E: Recent Photograph of St. Patrick's Church

