

8.6



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
March 27, 2007  
April 3, 2007

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

A handwritten signature in cursive script, appearing to read "Clarence Butler", written over a horizontal line.

Clarence Butler, Vice-Chair, Heritage Advisory Committee

**DATE:** March 21, 2007

**SUBJECT:** Case #H00198: De-registration of 1790 Granville Street, Halifax (a  
Municipally Registered Heritage Property)

---

**ORIGIN**

This matter originated from staff and was considered by the Heritage Advisory Committee on March 14, 2007.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Set a date for a public hearing to consider the de-registration of 1790 Granville Street, Halifax; and
2. Approve the de-registration of 1790 Granville Street, Halifax, as shown on Map 1 of the attached staff report to the Heritage Advisory Committee dated February 20, 2007.

## **BACKGROUND**

See the attached staff report to the Heritage Advisory Committee regarding this property dated February 20, 2007.

## **DISCUSSION**

See the attached staff report to the Heritage Advisory Committee regarding this property dated February 20, 2007.

## **BUDGET IMPLICATIONS**

There are no budget implications associated with the registration of this property.

## **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**

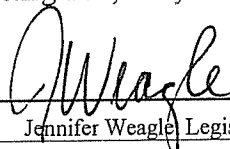
Regional Council may choose not to support the recommendations of the Heritage Advisory Committee and staff to de-register 1790 Granville Street, Halifax. This is not recommended as the Kelly Building has been demolished, and the reasons for the heritage registration no longer exist.

## **ATTACHMENTS**

1. Extract of the draft minutes from the March 14, 2007 Heritage Advisory Committee meeting;
2. Staff report to the Heritage Advisory Committee dated February 20, 2007, with attached location map.

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

Report Prepared by:

  
Jennifer Weagle Legislative Assistant, 490-6521

**Extract of the draft minutes from the March 14, 2007 Heritage Advisory Committee meeting**

---

**7.2 Case #H00198: De-registration of 1790 Granville Street, Halifax**

- A staff report dated February 20, 2007 on the above noted was before the Committee.

Ms. Holm reviewed the staff report with the Committee, with the aide of a power point presentation, noting the following:

- The request for the de-registration of this Municipally registered heritage property originates from staff;
- Staff believe that the integrity and heritage value of the site was removed with the demolition of the Kelly Building in September 2006;
- The site is now vacant.

Ms. Holm clarified that under policy 6.8 of the Halifax Municipal Planning Strategy, which is predicated on the existence of a heritage building, an owner of a registered heritage property can apply for a development agreement with alternative uses and building additions. In response to concerns regarding the future development of the site, Ms. Holm clarified that staff have good controls of the area and zoning of the site, noting that staff will be aware of any application for a development permit on the site, and any development application over forty feet would have to be by development agreement.

**MOVED by Alain Bourgeois, seconded by Clarence Butler, that the Heritage Advisory Committee recommend that Regional Council:**

1. **Set a date for a public hearing to consider the de-registration of 1790 Granville Street, Halifax; and**
2. **Approve the de-registration of 1790 Granville Street, as shown on Map 1 attached to the February 20, 2007 staff report.**

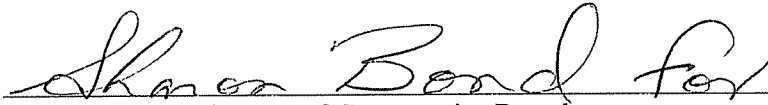
**MOTION PUT AND PASSED.**



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Heritage Advisory Committee  
March 14, 2007

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

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** February 20, 2007

**SUBJECT:** **H00198: De-registration of 1790 Granville Street, Halifax (a municipally registered heritage property)**

---

**ORIGIN**

This report originates from staff.

**RECOMMENDATION**

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

- (a) set a date for a public hearing to consider the de-registration of 1790 Granville Street, Halifax; and
- (b) approve the de-registration of 1790 Granville Street, as shown on Map 1.

## **BACKGROUND**

The owners of the Kelly Building, TDB Halifax Holdings Ltd, applied for a demolition permit on April 17<sup>th</sup>, 2003. Council refused the application, triggering a one-year demolition delay which expired on April 17<sup>th</sup>, 2004.

Following this, Council approved three extensions of the demolition permit to allow time for further negotiations with the Nova Scotia College of Art and Design to explore the possibility of incorporating the Kelly Building facade into a new student residence, and avert demolition. Both HRM staff and members of the Nova Scotia Heritage Trust were involved in these negotiations. However, the negotiations ultimately failed and the demolition of the building occurred in September 2006. The lot is now vacant.

## **DISCUSSION**

Section 16 of the *Nova Scotia Heritage Property Act* outlines the process for the de-registration of heritage properties.

*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;*

*after holding a public hearing to consider the proposed deregistration.*

The Act also outlines that 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.

Policy 6.8, section II of the Halifax MPS permits the owner of a registered heritage building, or any lot on which a registered heritage building is situated, to apply for a development agreement. If the heritage registration of the vacant lot is retained the owners may chose to take advantage of this policy.

This is problematic as policy 6.8 is predicated on the existence of a heritage building, and can permit alternative uses and building additions which encourage adaptive reuse and avert demolition. Once the building has been demolished this policy should not apply to the vacant site, and therefore the property should be de-registered.

---

### ***Summary***

It is regrettable that efforts to save the Kelly building from demolition were not successful. The building is now gone, and only a vacant lot remains. The heritage value of the site, specifically the building, no longer remains. Therefore staff believe that the continued heritage registration of the land is inappropriate, and are recommending that Council de-register the property on its own motion.

### **BUDGET IMPLICATIONS**

There are no expected budget implications associated with this report.

### **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 advocate that the Heritage Advisory Committee recommend that Regional Council set a public hearing date, and de-register 1790 Granville Street as a municipally registered heritage property.
2. The Heritage Advisory Committee may not support staff's recommendation to de-register 1790 Granville Street, Halifax. This is not recommended as the Kelly Building has been demolished, and the reasons for the heritage registration no longer exist.

### **ATTACHMENTS**

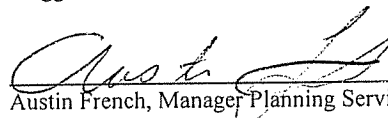
Map 1: Location Map - 1790 Granville Street, Halifax

---

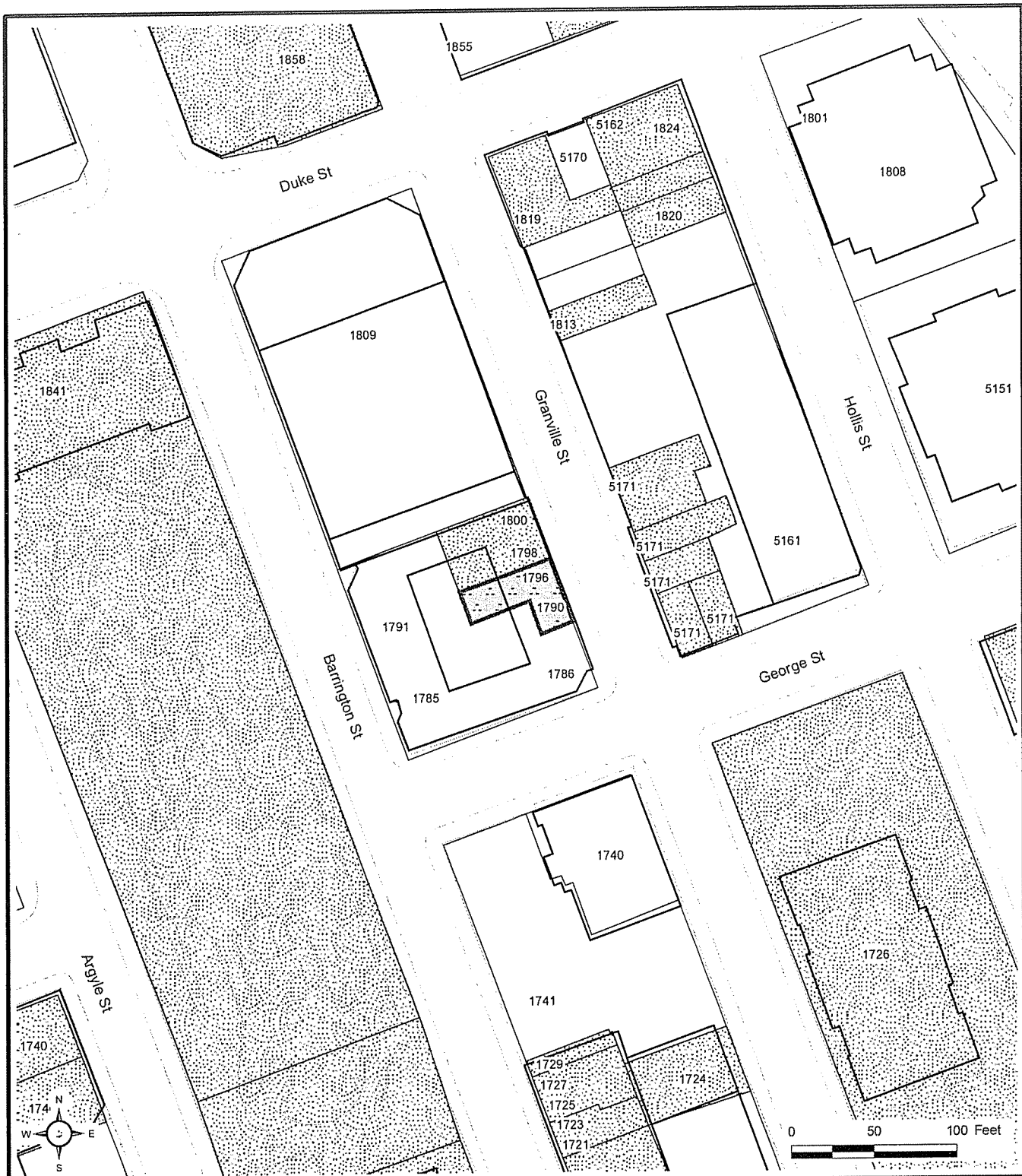
A copy of this report can be obtained online at <http://www.halifax.ca/communcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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

Report Approved by:



  
Austin French, Manager Planning Services (490-6717)

---



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

Halifax Plan Area

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

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 PLANNING AND  
 DEVELOPMENT SERVICES

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