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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
June 19, 2007
June 26, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Tom Creighton, Chair, Heritage Advisory Committee

DATE: June 7, 2007

SUBJECT: Case #H00200: De-registration of 1991B Prince Arthur Street,
Halifax (a Municipally Registered Heritage Property)

ORIGIN

This matter originated from an application by the property owner and was considered by the Heritage Advisory Committee on June 6, 2007.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Set a date for a public hearing to consider the proposed de-registration of 1991B Prince Arthur Street (Lot B), Halifax; and
2. Approve the de-registration of 1991B Prince Arthur Street (Lot B), Halifax, as shown on Map 1 of the attached staff report to the Heritage Advisory Committee dated May 7, 2007.

BACKGROUND

See the attached staff report to the Heritage Advisory Committee regarding this property dated May 7, 2007.

DISCUSSION

See the attached staff report to the Heritage Advisory Committee regarding this property dated May 7, 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 1991B Prince Arthur Street, Halifax. This is not recommended as it contradicts evidence suggesting the property should have been de-registered at the time of subdivision.

ATTACHMENTS

1. Extract of the draft minutes from the June 6, 2007 Heritage Advisory Committee meeting;
2. Staff report to the Heritage Advisory Committee dated May 7, 2007, with attachments.

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



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Heritage Advisory Committee
May 30, 2007

TO: Chair and Members of the Heritage Advisory Committee

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

SUBMITTED BY: _____
Paul Dunphy, Director of Community Development

DATE: May 7, 2007

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

ORIGIN

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

RECOMMENDATION

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

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

BACKGROUND

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

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

DISCUSSION

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

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

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

Process for De-Registration

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

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

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

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

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

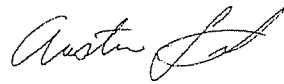
ATTACHMENTS

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

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

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

Report Approved by:





Austin French, Manager, Planning Services 490-6717



Map 1 - Location Map
1991B Prince Arthur Street
Halifax

Halifax Plan Area

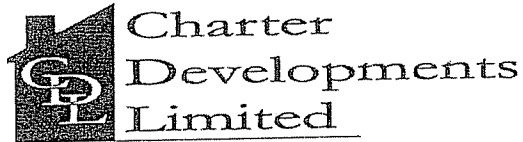
-  Heritage site under application for de-registration
-  Heritage property

HALIFAX
 REGIONAL MUNICIPALITY
 PLANNING AND
 DEVELOPMENT SERVICES

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

May 23, 2007

Attachment A



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

March 8, 2007

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

Ms. Holm,

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

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

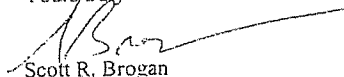
You will no doubt recall the meeting held on December 6, 2006, which, in addition to ourselves, was attended by Randa Wheaton and Bill Plaskett. At this meeting it was generally agreed that the heritage designation associated with 1991B Prince Arthur Street was a bi-product of the heritage registration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

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

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

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

Yours truly



Scott R. Brogan
Charter Developments Ltd.

Enclosure

May 23, 2007

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

CERTIFIED MAIL

FORM "B"

388



52046

CITY OF HALIFAX

ORDINANCE NUMBER 174

(THE HERITAGE PROPERTY ORDINANCE)

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

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

You are hereby notified that:

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

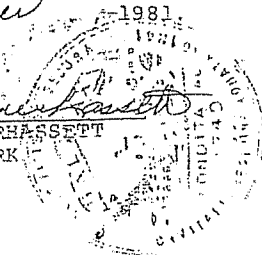
has been registered in the Halifax Registry of Heritage Property by resolution adopted at a meeting of Council the 26th day of November, 1981.

2. The effect of registration in the Halifax Registry of Heritage Property is that no demolition or substantial alteration in the exterior appearance may be undertaken from the date of 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 11th day of December 1981

Province of Nova Scotia
County of Halifax

G.I. Blennerhassett
G.I. BLANNERHASSETT
CITY CLERK

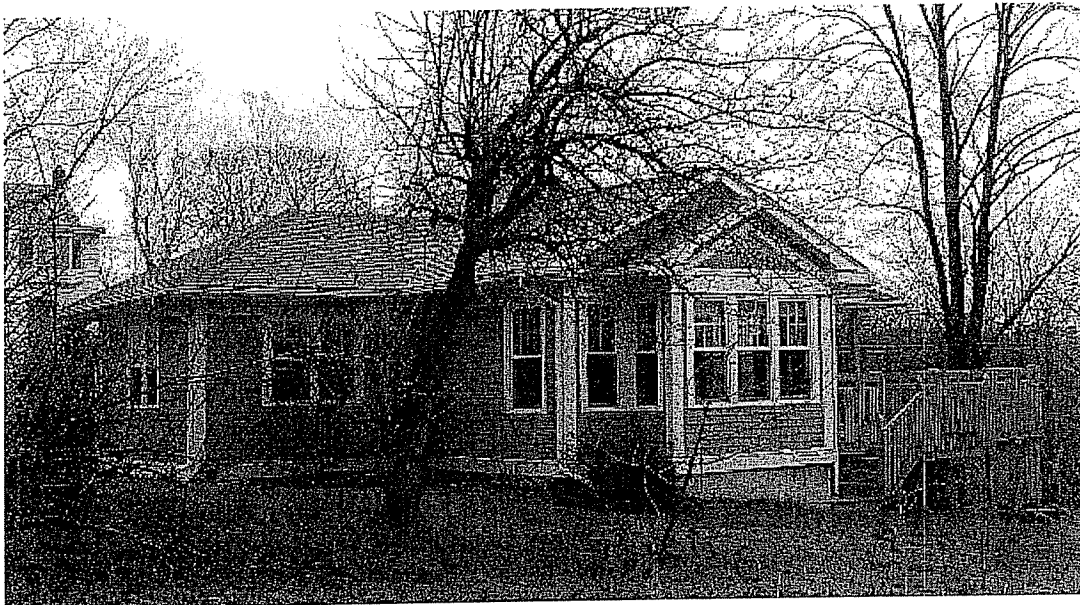


I hereby certify that the within instrument was recorded in the Registry of Deeds Office at Halifax, in the County of Halifax, N.S. at 12:35 o'clock P. M., on the 11 day of Dec. A. D. 1981 in Book Number 3541 at Pages 388
A. Geraldine Keefe
Registrar of Deeds for the Registration District of the County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

Attachment C: Photographs



1991 Prince Arthur Street (Pinehurst), Halifax.



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

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

III-203

III-204

ARCHITECTURAL COMMENTS

CATEGORY/SUBCATEGORY

Heritage Buildings/Residences

ADDRESS

1991 Prince Arthur Street

NAME

Pinehurst Apartment (Westborne)

LOCATION

CT 13

OWNER

Ms. Constance Lewis
1991 Prince Arthur Street

CONSTRUCTION DATE

Est. 1873

STYLE OF ARCHITECTURE

Victorian Italian Villa

USE OF BUILDING

Residential

HISTORIC ASSOCIATIONS

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

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

SOURCES OF INFORMATION

File

