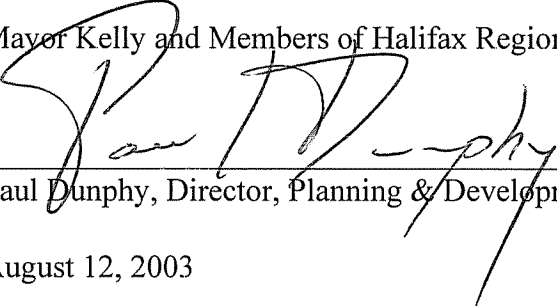




**Halifax Regional Council**  
**August 19, 2003**

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

**Submitted by:**   
Paul Dunphy, Director, Planning & Development Services

**Date:** August 12, 2003

**Subject:** **H00106 - Demolition Permits: 600, 602, 618 & 620 Francklyn Street, Halifax.**

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## INFORMATION REPORT

### **ORIGIN**

An application by John Kitz to consider four properties owned by Pine Hill Divinity College (namely 600, 602, 618 & 620 Francklyn Street, Halifax) as Heritage Properties.

### **BACKGROUND**

John Kitz has made an application to have four buildings (known as 600, 602, 618 & 620 Francklyn Street, Halifax) owned by the Pine Hill Divinity College, considered heritage buildings under the HRM Heritage Property Program. The staff report (dated June 18, 2003) for this application was reviewed by the Heritage Advisory Committee (HAC) on July 23, 2003, and its recommendation that consideration for heritage registration be forwarded to Regional Council on August 19, 2003.

### **Demolition Permits**

Since that time, there have been significant developments with regards to this property:

- On August 1, 2003, RDM Recycling Limited (on behalf of the Pine Hill Divinity College) made applications to demolish each of these four buildings;

- As of the date of writing of this report, these permits have not been issued;
- Under the normal review process of these applications, the demolition permits will be issued before August 19, 2003 when Council decides whether or not to set a heritage hearing. Staff is not at liberty to delay the permits if the applicant has met all requirements;
- Once a demolition permit has been issued, the owner will have two years to legally demolish these four buildings.

### **Demolition & Heritage Registration Process**

The Heritage Property Act (Section 14) outlines the specific requirements when a property is being considered for heritage designation (see Attachment 1). These requirements are as follows:

- The Heritage Advisory Committee may recommend to the municipality that a building be registered as a municipal heritage property.
  - As outlined above, Heritage Advisory Committee did review the property and has recommended its registration in their report dated August 11, 2003. This will be considered by Regional Council on August 19, 2003.
- The municipality **must** service notice (including the date of the heritage hearing) of the recommendation to the property owner at least thirty days prior to its registration.
  - The date of the heritage hearing has not been approved by Regional Council and therefore the notice has **not** been served.
- Under normal circumstances, once served with the notice, the property owner cannot alter the exterior appearance of or demolish the buildings for one hundred and twenty days. However, in this case the property owner is likely to be in possession of valid demolition permits prior to being served notice. As a result the owner will be permitted to demolish the buildings any time over the next two years.

### **Proposed Redevelopment**

As noted in the staff report (dated June 18, 2003), the application to register these buildings was not made by the property owner. The owner (Pine Hill Divinity College) is proposing a residential development for this portion of their lands that front onto Francklyn Street. This proposal would require the four buildings along Francklyn Street to be demolished. Given the property is zoned U-1 (Low Density University), and this zone permits all R-1 and R-2 uses, such an application can be made by-right. A tentative application for subdivision for their proposal was made on January 30, 2002, and will be approved before August 19, 2003 when Council decides whether or not to set a heritage hearing. As mentioned above, staff cannot delay the subdivision and is obliged to approve the subdivision if the applicant has met all requirements.

It is evident from the January 2002 subdivision application that the property owner has had a long established intent to redevelop the property and is not simply attempting to undermine the registration process.

**Deregistration**

If Council does register the properties and the buildings are subsequently demolished, the justification for designating these properties no longer exists. Staff would then return to the Heritage Advisory Committee and Council to initiate deregistration.

Likewise, if the buildings are demolished prior to the heritage hearing, there would be no justification for Council to register the properties.

**BUDGET IMPLICATIONS**

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

**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**

The traditional practice of Regional Council has viewed heritage registration as a positive measure, and not adversarial. Given the owners are in opposition to the registration, Regional Council **may** choose not to proceed to set a heritage hearing date for this application.

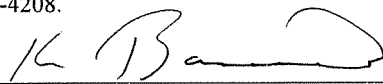
Notwithstanding the issues raised above, Regional Council **may** proceed to set the heritage hearing and provide notice to the property owner. If this course of action is taken, the Municipality cannot prevent the demolition of the buildings either before consideration is given for the registration, or after the property is registered, for a period of two years.

**ATTACHMENTS**

Attachment 1: Excerpt of the Heritage Property Act, Section 14 *Recommendation as Municipal Heritage Property.*

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:



Kevin Barrett, Heritage Planner, Planning & Development Services, 490-4419

### **Recommendation as municipal heritage property**

**14 (1) A heritage advisory committee may recommend to the municipality that a building, streetscape or area be registered as a municipal heritage property in the municipal registry of heritage property.**

### **Notice of recommendation**

**(2) The municipality shall cause notice of the recommendation to be served upon each registered owner of the building, streetscape or area that is the subject of the recommendation at least thirty days prior to registration of the building, streetscape or area in the municipal registry of heritage property.**

### **Content of notice**

**(3) The notice shall contain**

**(a) a statement that the building, streetscape or area described in the notice has been recommended for registration in the municipal registry of heritage property;**

**(b) a brief statement of the reasons for the recommendation;**

**(c) a summary of the consequences of registration;**

**(d) a statement that no person shall substantially alter the exterior appearance of or demolish the building, streetscape or area for one hundred and twenty days after the notice is served unless the municipality sooner refuses to register the property; and**

**(e) notification of the right of the owner to be heard and of the time and place for the hearing.**

### **Alteration or demolition after notice**

**(4) No person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for one hundred and twenty days after a notice respecting the building, streetscape or area has been served pursuant to subsection (2) except in those cases where, prior to the expiration of one hundred and twenty days, the municipality refuses to register the property.**

### **Filing of notice**

**(5) A copy of the notice served pursuant to subsection (2) shall be deposited in the registry of deeds for the registration district in which the building, streetscape or area is situate. R.S., c. 199, s. 14.**

### **Registration as municipal heritage property**

## Heritage Property Act

**15 (1) At any time not less than thirty days nor more than one hundred and twenty days after service of the notice pursuant to Section 14 and on the advice of the heritage advisory committee, the municipality may register the building, streetscape or area as a municipal heritage property in the municipal registry of heritage property. \***

### **Opportunity to be heard**

**(2) No registration pursuant to subsection (1) shall take place until the council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three weeks after service of the notice pursuant to subsection (2) of Section 14.**

### **Notice of registration**

**(3) Notice of the registration shall be sent to each registered owner of the building, streetscape or area and a copy thereof shall be deposited in the registry of deeds for the registration district in which the building, streetscape or area is situate. R.S., c. 199, s. 15.**