

**HALIFA**

P.O. Box 1749  
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**DECLASSIFIED**  
FOIPOP Review - [REDACTED]  
Approved to Release- [REDACTED]  
Date - May 18, 2021

Item No. 16.2.2  
Halifax Regional Council  
February 13, 2018  
In Camera

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

Original Signed by



**SUBMITTED BY:**

Jacques Dubé, Chief Administrative Officer

**DATE:** January 2, 2018

**SUBJECT:** HRM – CMHC Land Ownership exchange at Maitland Street and the Historic Properties

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**PRIVATE AND CONFIDENTIAL**

**ORIGIN**

This report originates from:

1. Halifax Regional Council's August 4, 2017 motion authorizing the Mayor and Municipal Clerk to enter into a Conditional Amendment Agreement between the Halifax Regional Municipality and Armour Group Limited to amend the 1974 Land Lease to include options to extend as per the key terms and conditions outlined in Table 1 of the Confidential Information Report dated June 12, 2015.
2. CMHC's subsequent decision is to divest its interest in Historic Properties to pursue its core program activities, specifically increasing affordable housing opportunities in the HRM. CMHC and HRM propose to exchange land ownership interests for shared ownership land on Maitland Street (40623910, 40270183, 40270191 and 40623902); and at the Historic Properties (PID 00003459, 40267734) to allow CMHC to provide affordable housing opportunities at Maitland Street and for HRM to have 100% ownership and control of the Historic Properties.

**LEGISLATIVE AUTHORITY**

Halifax Regional Municipality Charter, Section 61 (5): The Municipality may:

(a) acquire property, including property outside the Municipality, that the Municipality requires for its purposes or for the use of the public; and (b) sell property at market value when the property is no longer required for the purpose of the municipality.

Halifax Regional Municipality Charter, Section 19 (2): The Council or any committee appointed by the Council may meet in closed session to discuss matters relating to (a) acquisition, sale, lease and security of municipal property.

Maitland Street PIDs 40623910, 40270183, 40270191 and 40623902 have been declared surplus pursuant to AO50.

**RECOMMENDATIONS on Page 2**

## **RECOMMENDATION**

It is recommended that Regional Council:

1. Approve the land exchange transaction and required agreements between CMHC and HRM for ownership interests at Maitland Street (PID 40623910, 40270183, 40270191 and 40623902) and the Historic Properties (PID 00003459, 40267734) as set out in Table 1 of this report;
2. Approve the sale of jointly owned HRM-CMHC land (PID # 40623902 Maitland Street Parking Structure) to the Ashford Group. The proceeds of the Parking Structure sale will flow to CMHC to equalize the valuation for the land holding interests at Maitland Street and Historic Properties.
3. That this report not be released to the public until the transaction has been completed.

## **BACKGROUND**

On August 4, 2015 Council, approved lease extension options to Armour Group Limited (AGL) as tenant for the leased lands owned jointly between CMHC and HRM (background reports attached). In 2017, as co-landlord, CMHC advised that they were not prepared to approve the extension options to AGL. CMHC's mandate does not include Historic Properties and they have since expressed an interest in divesting its ownership to focus on their core policies and programs. Under the Urban Renewal Agreement, they are permitted to sell their interest in Historic Properties to HRM.

CMHC has a renewed mandate from the federal government to create affordable housing for Canadians in urban areas to address shortfalls in inventory. With this mandate, CMHC has conducted a comprehensive review of its land inventory to determine what properties best present an opportunity for affordable housing initiatives. CMHC has identified the Maitland Street lands as suitable for an affordable housing project.

Discussions and negotiations with CMHC during the later part of 2017 have lead to approval in principle of the notion of an exchange of lands currently co-owned by both parties. The lands are Historic Properties and the Maitland Street properties off Gottingen Street.

The proposal would see HRM assume CMHC's interest in Historic Properties in exchange for CMHC receiving HRM's interest in the Maitland Street lands. This would give HRM full ownership of Historic Properties, and CMHC would have full interest in Maitland Street to enable a RFP for affordable housing development.

Appraisal work completed supports an exchange of equal value with no funds required other than soft costs.

The land exchange would allow CMHC to establish affordable housing in downtown Halifax while HRM would have the exclusive land ownership and control over the Historic Properties land located on the Halifax waterfront. The net result would be affordable housing opportunities on Maitland Street for residents and renewed investment at the Historic Properties by the lease AGL.

## **DISCUSSION**

### *Appraisal and Valuation Background*

Historic Properties was appraised by Turner Drake and Partners at \$3.7 million with a 50/50 ownership basis between CMHC and HRM dating back to the 1970's when the Urban Renewal Program was active.

The Maitland Street Properties were appraised by Turner Drake and Partners at \$2.776 million with a 50/50 ownership basis between CMHC and HRM for the three small parcels. HRM owns an 83% share of the

Parking Structure site with an HRM value of \$1.162 million. The shared ownership between CMHC and HRM also dates to the early 1970's with the Urban Renewal program.

The land exchange model

HRM has a history of limited land exchanges with other government agencies to advance programs and development within the municipality. This approach is a joint effort by CMHC and HRM to realize tangible benefits for citizens by exchanging land value interests. All lands involved have current market valuation appraisals that have agreed upon values by both CMHC and HRM. The result of the land exchange would provide operational benefits to each side of the transaction.

**Table 1**

| HRM Property Interests to CMHC |  | CMHC Property Interests to HRM         |  |
|--------------------------------|--|--|--|
| PID 40623910 50% interest      |  | PID 00003459, 40267734<br>50% interest |  |
| PID 40270183 50% interest      |  |  |  |
| PID 40270191 50% interest      |  |  |  |
| PID 40623902 83% interest      |  |  |  |
| Total                          |  | Total                                  |  |
| Rounded                        |  |  |  |



Public Benefit

CMHC will be in a position to offer affordable housing with available land on Maitland Street.

HRM would have 100% ownership and control of the future direction of the Historic Properties. This is an 11 acre parcel of land including a sizable water lot located on the historic Halifax waterfront.

Lease with AGL

The Historic Properties is currently leased to Armour Group Limited for a term of 75 years expiring in 2048, with renewal options for up to an additional 50 years ending in 2098. The market rent calculation is set out in the original lease which commenced in 1974. The rent calculations under the current lease obligation are based on the market value of the land component with the historic buildings and net floor area as they exist under the heritage status. If Armour Group Limited exercises the option to renew the lease, it is subject to the market value of the property at the time the option is exercised in 2048.

Agreement with Ashford Group

The Ashford Group owns the commercial office building immediately adjacent the parking structure. The office building and parking structure was developed together under a previous Development Agreement for the property. The parking structure is operated by Ashford Group and provides parking for the office tenants. HRM and CMHC have been in negotiations with Ashford Group for the sale of the Parking Structure Land at Maitland Street for approximately two (2) years. CMHC owns a percentage interest in this parcel PID 40623902 (17%) and has agreed to HRM completing the sale to Ashford Group for \$1.4 million aligned with the subject land exchange with the proceeds from HRM's interest flowing to CMHC as part of the land exchange. Should this transaction with Ashford Group not close in a timely manner, CMHC has agreed to assume HRM's ownership interests and enter into an agreement directly with Ashford Group.

**FINANCIAL IMPLICATIONS**

As this proposed transaction is “land for land”, HRM would assume its share of land transaction costs (legal, migration, surveys, and appraisal work), as CMHC would assume its respective costs.

HRM will be responsible for applicable HST on what it is 'paying' for the land it is receiving. HRM will self-assess HST. The net HST will be offset or cash flowed by the increase in operating revenue received from Historic Properties lease. The HST amount to be paid by HRM for this land transaction is \$79,291 and is to be drawn from account W400 5151 (Acquisitions & Disposals – Lease Revenue).



*Distribution of the proceeds from sale of PID 40623902 to the Ashford Group*

The sale of the Parking Structure block (PID 40623902) to the Ashford Group for \$1.4 million (HRM share is 83% or \$1.162 million) would flow to CMHC to complete the financial consideration of the land exchange. This amount would be added to the \$672,000 land value interest in the remaining three (3) Maitland Street Properties previously identified.

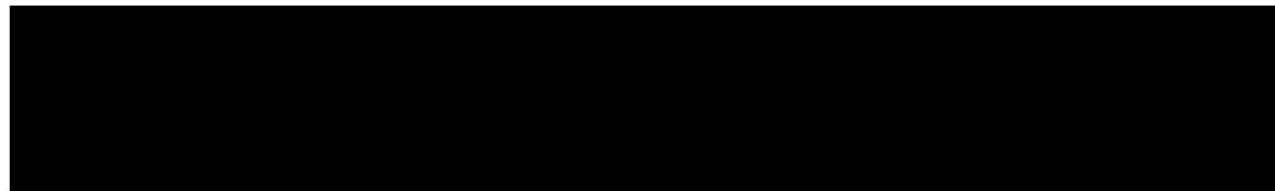
**RISK CONSIDERATION**

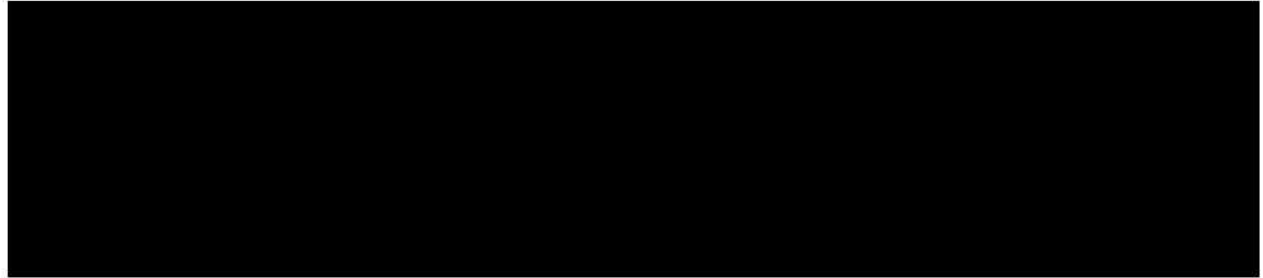
Armour Group Limited (AGL) has a lease until 2048 at the Historic Properties with two (2) additional term extension options approved by Regional Council enabling an additional 50 years (25 years for each option renewal). During the course of this lengthy lease, there is a risk that AGL may not fulfill the obligations of the lease. While there is no evidence of this outcome based on Armour’s tenancy of the Historic Properties for the past 45 years, the possibility of breach of terms may arise if future business circumstances change for AGL. This is not unlike any other HRM lease.

**COMMUNITY ENGAGEMENT**

See Regular Session Council Report, “Historic Properties – Land Lease, Option to Renew – The Armour Group Limited”, dated June 12, 2015.

**ENVIRONMENTAL IMPLICATIONS**





**ALTERNATIVES**

1. Regional Council may refuse to approve the land exchange with CMHC for Properties on Maitland Street with land interests at the Historic Properties, but approve the sale of land (PID 40623902 Maitland Parking Structure) to the Ashford Group for \$1.4 million.
2. Regional Council may choose to not approve either transaction with CMHC (land exchange) or the sale to the Ashford Group (Maitland Street Parking Structure).

**ATTACHMENTS**

1. Maitland Site Context
2. Maitland Site Plan
3. Historic Properties
4. August 4, 2015 Regional Council Report

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If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: John Dalton, Senior Real Estate Officer, Corporate Real Estate, Finance & Asset Management 902-490-5477

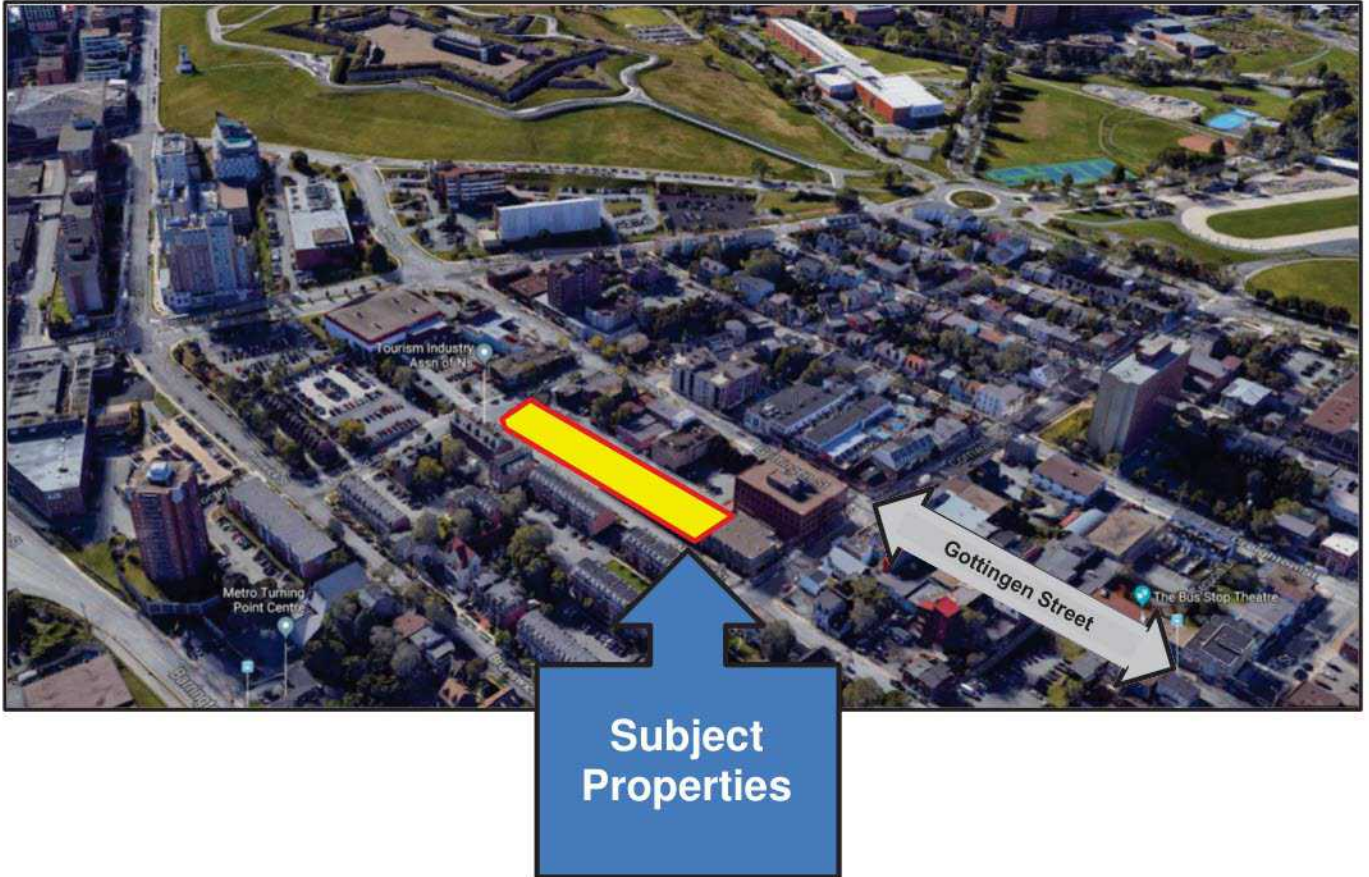
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# HALIFAX

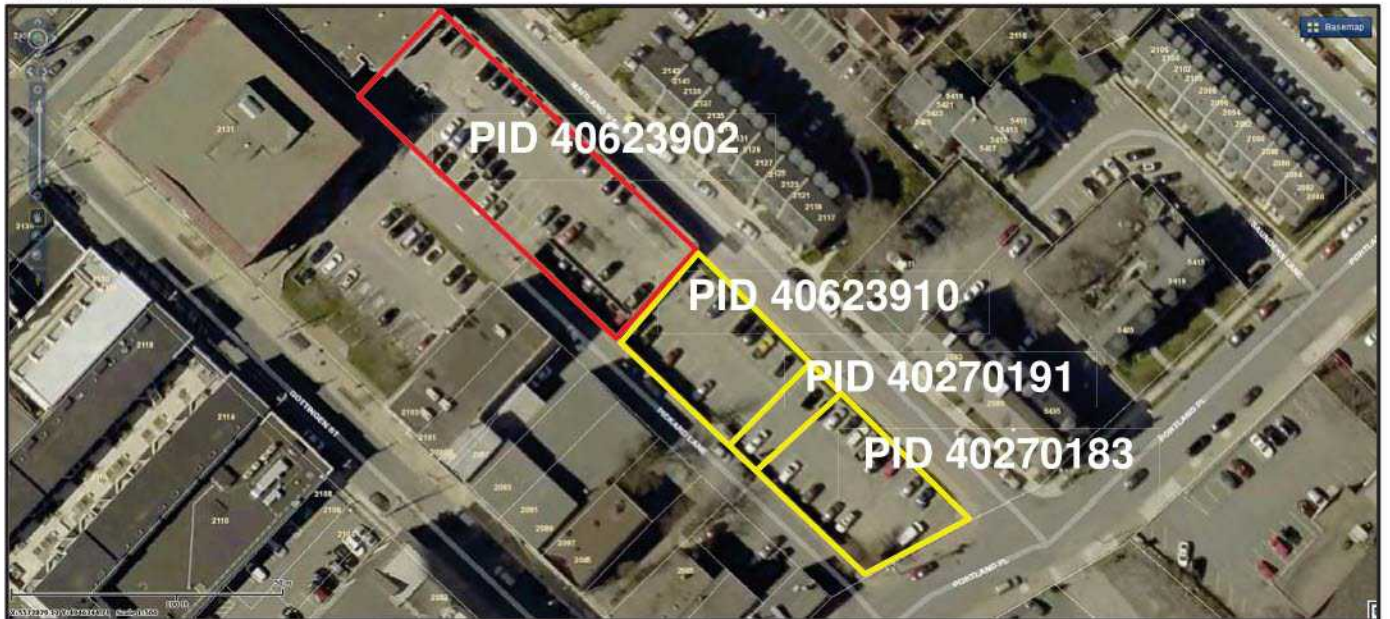
**Attachment 1 – Maitland Site Context**  
HALIFAX REGIONAL COUNCIL - IN CAMERA REPORT  
HRM – CMHC Land Ownership Exchange at Maitland Street and Historic Properties

Southern Orientation



**Attachment 2 – Maitland Site Map**  
HALIFAX REGIONAL COUNCIL - IN CAMERA REPORT  
HRM – CMHC Land Ownership Exchange at Maitland Street and Historic Properties

Northern Orientation

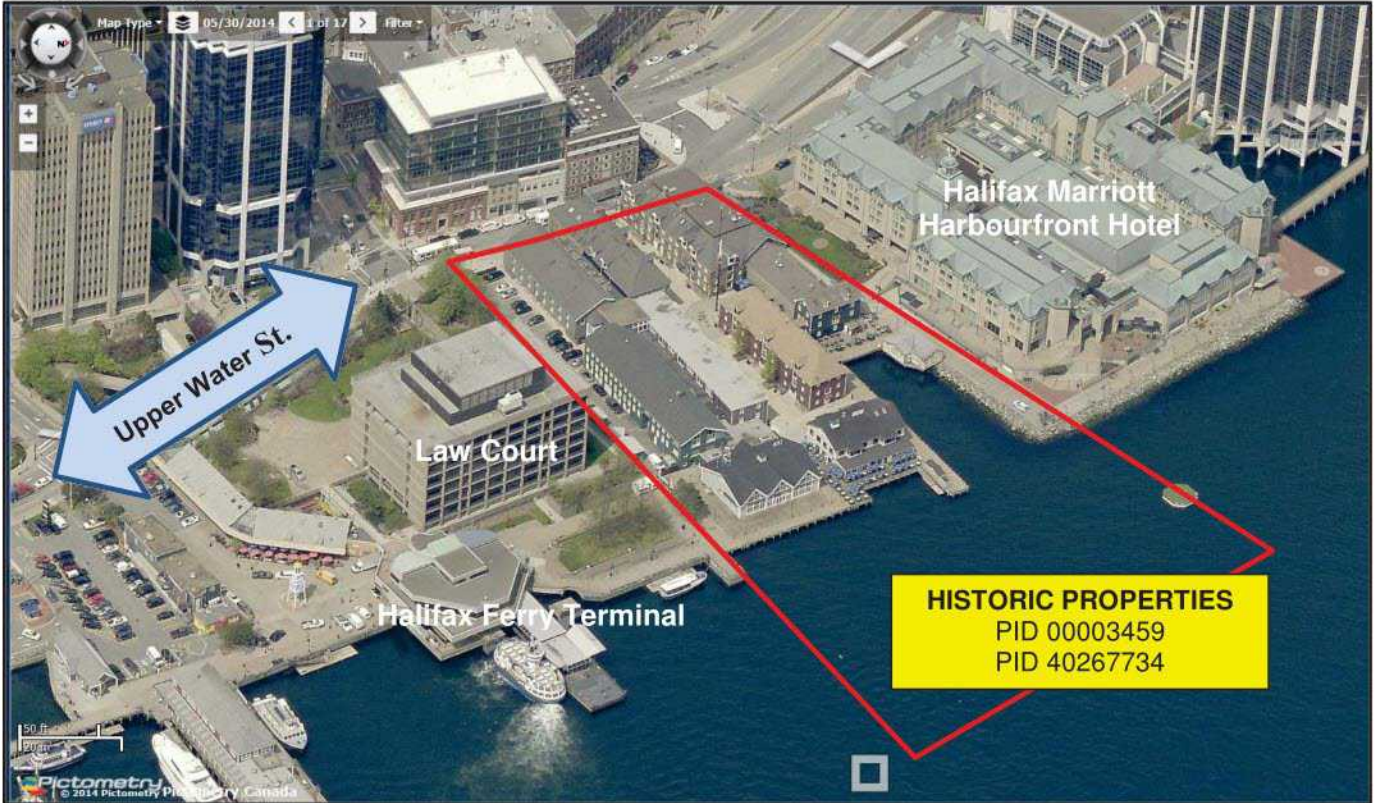




# HALIFAX

**Attachment 3 – Historic Properties Site Map**  
HALIFAX REGIONAL COUNCIL - IN CAMERA REPORT  
HRM – CMHC Land Ownership Exchange at Maitland Street and Historic Properties

Western Orientation





P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 11.1.1**  
**Halifax Regional Council**  
**August 4, 2015**

**TO:** Mayor Savage and Members of Halifax Regional Council  
Original signed by 

**SUBMITTED BY:** \_\_\_\_\_  
Richard Butts, Chief Administrative Officer

Original Signed by \_\_\_\_\_  
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** June 12, 2015

**SUBJECT:** Historic Properties – Land Lease, Options to Extend – The Armour Group Limited

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## **ORIGIN**

This report originates with a request from Armour Group Limited, the current long-term Lessee of Historic Properties, to amend the existing Lease Agreement to include future options to extend.

## **LEGISLATIVE AUTHORITY**

Halifax Regional Municipality Charter, Section 61 (5) The Municipality may: (c) lease property owned by the Municipality at market value. Halifax Regional Municipality,

## **RECOMMENDATION**

It is recommended that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into a Conditional Amendment Agreement between the Halifax Regional Municipality and The Armour Group Limited to amend the 1974 Land Lease to include options to extend as per the key terms and conditions outlined in Table 1 of the Confidential Information Report dated June 12, 2015.

## **BACKGROUND**

The Lease between HRM and Armour Group Limited (AGL) is for a term of 75 years and expires in 2048. HRM and CMHC are the underlying beneficial landowners on a 50/50 basis. The Lease contains a Restoration Agreement and there is a Trust Agreement between HRM and CMHC.

The Lease was amended in 2000 to deal with the more efficient management of the Lease and to add additional land to the demised premises. The Lease was further amended in 2011 and the parties consented to an easement and acknowledged the use of a sewer easement in the alleyway between Historic Properties and the Law Courts. In 2011 HRM granted AGL an easement to allow AGL to provide seawater distribution to AGL's Waterside Office building development.

The circa 1800-1875 buildings have been rehabilitated to serve a variety of commercial purposes including offices, shops and restaurants. The heritage designation refers to these two-and-three-story rectangular, warehouse-type buildings and the land they occupy (see Attachment 1).

The property as a whole is improved with a group of stone and wooden warehouses: ten commercial buildings making-up what is commonly referred to as the 'Historic Properties' and 'Privateers' Wharf', and designated as a National Historic Site under the name, 'Historic Waterfront Buildings'.

AGL may construct new buildings and structures in conformity with the general style and character of the restored buildings. AGL is obligated to maintain and keep the demised premises in good repair. AGL is permitted to make improvements to the property, and to sub-lease the premises to retail, restaurant, and office tenants.

With approximately 41 years of its term expired, the property has reached its lease period's mid-term with 34 years remaining. Despite continued investment, AGL believes it is necessary to make a significant private investment in the Historic Properties now in order to prevent future economic decline of the site as a mixed use development and enhance its existing presence for business, residents and visitors.

The AGL has approached HRM proposing an amendment to the existing Lease agreement to permit the inclusion of two options to extend. The purpose of AGL's request is to improve the availability of financing options necessary to reinvest and revitalize the retail, commercial, heritage and public realm aspects of the property.

The proposed capital re-investment is intended for the revenue producing components of the site including restaurants, retail shopping areas and office space. Improvements will range from; improving the technological capabilities in the office space; creating better presence for retail tenants; to improving building systems for environmental and economic benefit.

In addition to investment by AGL in the buildings and revenue producing components, and in exchange for the Option, AGL is committed to investing \$2,500,000, in public realm projects that would enhance the social fabric of the site; highlight its important historical significance; and give residents more reason to make the Historic Properties a destination.

Considered enhancements could include:

1. Performance pavilions on the waterfront that allow the site to be animated by local performers;
2. Seating throughout the site, which will enable people to stay and enjoy the Historic Properties, rather than simply passing through;
3. Engaging detail that gives people the opportunity to learn more about the importance of these buildings to Nova Scotia's historical fabric;
4. Enhanced lighting through the site that ensures the site is welcoming all year long; and,
5. Directional information and signage that help increase pedestrian penetration through the site.

## **DISCUSSION**

Halifax's Historic Properties on Halifax's waterfront is the first restoration project of its kind in Canada featuring three city blocks of Canada's oldest surviving group of waterfront warehouses and some of North America's finest Victorian-Italianate façades dating back to the late 1700s and early 1800s. Its special character is a well-known feature of Halifax among residents and visitors. The site has been tracked as the most visited private tourism site in Nova Scotia.

As with every property; however, reinvestment and recapitalization is a requirement, and AGL advises that retail and commercial indicators suggest reinvestment will be necessary in the short term to maintain and attract new tenants and visitors to the property.

From a financing perspective, the term's 34-year balance is not regarded as 'a long time' in which to finance a capital investment necessary to reposition the property. Beneficial financing options become increasingly more difficult to obtain without the security, or option, of a longer lease term.

Staff is recommending the following requested amendments to the existing lease. The key business terms and conditions are outlined in Table 1 of the Private and Confidential Information Report dated June 12, 2015, however they are summarized as follows:

- The Land Lease is to be amended to add 2 sequential Options to Extend;
- The Land Lease Rental Rate would be set at the time of any term expiration at the (then) market value for land and re-evaluated twice per extension term;
- AGL would, as part of the Amendment, guarantee a level of public realm capital investment in exchange for the conditional Options to extend; AGL would be required to meet all applicable HRM-by-Design, Heritage Building Conservation Standards, other applicable approval processes including the Heritage Property Act, and any Federal requirements such as evaluation by the Federal Heritage Buildings Review Office (FHBRO). There would be no degradation in the public's interest in the property through the contemplated proposal. If AGL's concepts do not meet public scrutiny within the review processes, then modifications would be necessary solely at AGL's expense.

### ***Public Land Ownership and Planning Considerations***

In arriving at the recommendation to offer the extension options, staff considered the public policy benefits afforded by continued municipal ownership and the current agreement versus selling the property out-right, including: protection and conservation of built heritage; waterfront access and open space; and municipal planning. When taken together these form the strategic pillars that support continued municipal ownership. Each of these is discussed below.

### ***Protection and Conservation of Built Heritage***

The Historic Properties are one of the most substantial municipal heritage holdings in the city. Attachment 2 summarizes key milestones in the property's evolution. The following are excerpts of Statements of Significance (SoS), which explain the designations of the property as a National Historic Site and municipal heritage property:

*The Historic Waterfront Buildings are valued for playing an important civic and commercial role since the early beginnings of settlement in Halifax and stand as representative of the great days of sail. The seven, warehouse-type buildings constructed between circa 1800-1875, were built for individual merchants as well as trading and shipping companies.*

*The Halifax Waterfront Buildings were designated a National Historic Site of Canada because the site is the most significant pre-Confederation complex of maritime commercial buildings in Canada. The heritage value of this site resides in the tight grouping of warehouse-type buildings on the waterfront, in their informal, functionally driven designs, and in their relatively heavy and unadorned*



*construction materials and techniques. Construction of this group of buildings began in the early 19th century and proceeded through the century in an ad hoc process of construction, alteration and addition as needs dictated. The number of buildings, their considerable size and durable construction materials speak to the mercantile wealth that supported Haligonian society during the 19th century. The rehabilitation of the buildings in 1972-1973 returned their exteriors to an approximation of their appearance, circa 1900, while developing their interiors for new commercial uses and sanitizing their immediate surroundings.<sup>1</sup>*

Protection of the historic buildings is ensured by: proposed improvements to the buildings being subject to review by the Federal Heritage Buildings Review Office (FHBRO.) and by municipal and CMHC co-ownership and the inherent approvals required to improve and alter the property (see Attachment 2.)

### **Waterfront Access and Open Space**

Although the municipality owns three parks along the waterfront, namely Nathan Green Square, Chebucto Landing, and Sackville Landing, the Historic Properties encompass the most substantial municipal land holding on Halifax's waterfront. The municipality has invested in recapitalizing Nathan Green Square and Sackville Landing, over the past five years. These public open spaces, along with the contiguous boardwalk (i.e., owned by HRM, Waterfront Development Corporation, and other private property owners), contribute to a successful public realm and waterfront that generates economic activity in the form of tourism, office leases, commercial leases, retail leases, and restaurant services.

### **Municipal Planning**

Although popularly perceived as a "heritage area", the Historic Properties (i.e., those between Granville Street and the harbor) are not officially designated as a heritage conservation area or a heritage conservation district. It also has no area-specific designation under the Municipal Planning Strategy. However, all of the properties within the area (except for 1870 Upper Water) are individually registered heritage properties.

Under the Nova Scotia Heritage Property Act, municipalities have authority to register "buildings, streetscapes, areas and districts", the term "building" is defined as including "the land and structures appurtenant thereto."

When Historic Properties was registered in 1981 (process completed by 1985 – see Attachment 2), the complex of buildings consisted of seven historic structures: Simons Warehouse, Collins Bank, Privateers Warehouse, the Sail Loft, the Red Store, the Carpenter Shop, and Pickford & Black, which had been restored by Historic Properties Ltd. under a Restoration Agreement with CHMC and Parks Canada, signed in 1973. There were also three newer structures: the Clipper Cay Restaurant (now Salty's), Pontac House, and Anchorage House, which had been constructed by Historic Properties Ltd. in 1975 as part of the revitalization project.

The applicable secondary municipal planning strategy is the Downtown Halifax Plan, within which a vision for District 7: Historic Properties is broadly articulated, but primarily as it relates to the broader area up to and including Granville Mall, and how it will relate to the transformation of the Cogswell Interchange to the immediate north. Small scale, sensitive adaptive re-use, reinforcing its historic character is the predominant theme for the area. No other specific mention is made of the "Historic Properties" as is referred to in this report, and as leased by AGL.

The property is zoned DH-1 (Downtown Halifax-1) under the Downtown Halifax Land Use By-Law, which permits the following uses: Commercial, excluding adult entertainment; Cultural; Institutional; Marine-related; Open Space; Residential; Transportation; and Uses accessory to the foregoing.

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<sup>1</sup> Sources: [http://www.pc.gc.ca/apps/dfhd/page\\_nhs\\_eng.aspx?id=783](http://www.pc.gc.ca/apps/dfhd/page_nhs_eng.aspx?id=783) and Historic Sites and Monuments Board of Canada, Minute1962.

**FINANCIAL IMPLICATIONS**

See Confidential Information Report, "Historic Properties – Land Lease, Option to Extend – The Armour Group Limited", dated June 12, 2015.

**COMMUNITY ENGAGEMENT**

This is an administrative matter and no community engagement has occurred nor is it required under the Charter.

**ENVIRONMENTAL IMPLICATIONS**

See Confidential Information Report, "Historic Properties – Land Lease, Option to Extend – The Armour Group Limited", dated June 12, 2015.

**ALTERNATIVES**

See Confidential Information Report, "Historic Properties – Land Lease, Option to Extend – The Armour Group Limited", dated June 12, 2015.

**ATTACHMENTS**

Attachment 1 – Site Plan  
Attachment 2 – Milestones

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> 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: Peter Stickings, Manager, Corporate Real Estate, Operations Support 490-7129

Report Approved by: \_\_\_\_\_  
Jane Fraser, Director, Operations Support, 490-7166

Report Approved by: \_\_\_\_\_  
Karen Brown, Acting Director, Legal and Risk Management Services

Report Approved by: \_\_\_\_\_  
Bob Bjerke, Director, Planning and Development

Financial Approval by: \_\_\_\_\_  
Bruce Fisher Acting Director of Finance & ICT/CFO, 490-6308

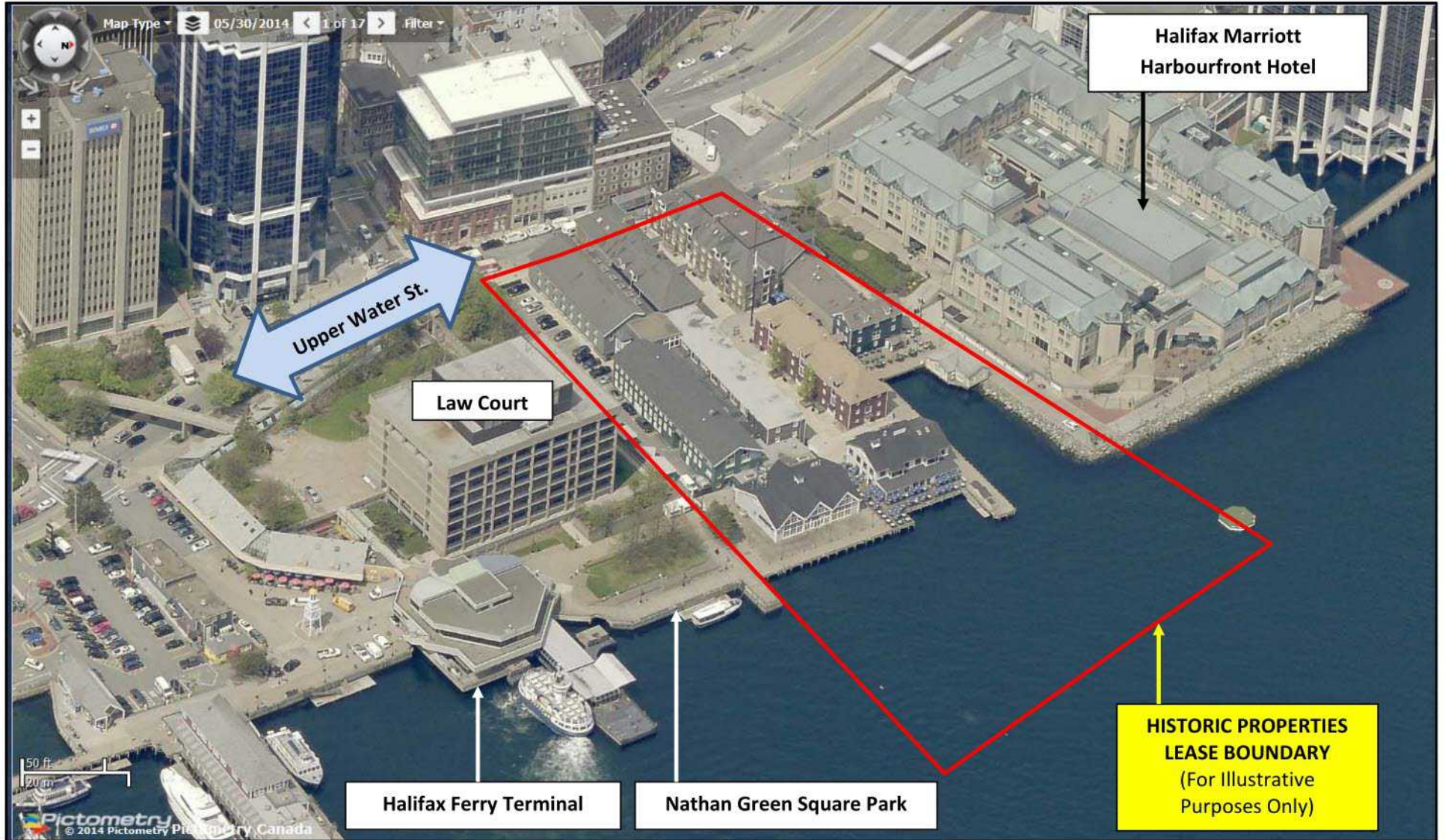
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Original Signed



## Attachment 1 – Site Plan

REGIONAL COUNCIL REGULAR REPORT - Historic Properties Land Lease, Option to Extend





## Attachment 2 – Milestones

### REGIONAL COUNCIL REGULAR REPORT - Historic Properties – Land Lease, Option to Extend

The “historic properties area” is a term that is sometimes used to describe the broader area located between the waterfront and Granville Street, which is further bounded by Duke Street and former Buckingham Street to the north (i.e., where Scotia Square stands today). “Historic Properties” (i.e., Privateers’ Wharf) in this report; however, is used to describe the city-owned group of historic waterfront buildings between Upper Water Street and Halifax Harbour (see Attachment 1). All other properties west of Lower Water Street are privately owned. The subject property depicted in Attachment 1 (i.e., not the broader area) is leased to Armour Group Limited (AGL), who succeeded the original lessee, Historic Properties Limited. The following points summarize the evolution of the property:

- 1963 The “Historic Waterfront Buildings” (see Attachment 1) are designated as a National Historic Site.
- 1971 August 12: The City of Halifax approved the Halifax Landmarks Commission document: *Landmarks of the City of Halifax*. In it, a priority listing of important Halifax landmarks and historic sites is named, including the Historic Properties, which was a reaction to the loss of several landmark buildings during the 1950s and 1960s.
- 1973 Historic Properties Limited (HPL) entered into an agreement with the City of Halifax, the Federal Government, and the Canada Mortgage and Housing Corporation (CMHC), to restore the Historic Waterfront Buildings.
- 1973 HPL, Durham Leaseholds, Nova Scotia College of Art and Design (NSCAD), and the City of Halifax entered into an agreement in December 1973, to facilitate redevelopment of buildings on the west side of Granville Street for what became the Delta Barrington. The Durham agreement also referred to a motion by City Council on March 29, 1973, the minutes of which indicate that the area be developed without cost implications to the City; that developers take into consideration the wishes of Council, that the area in question be preserved in its entirety and its original form as much as possible.
- 1978 July: The City of Halifax adopted the *Evaluation and Protection System for Heritage Resources in Halifax*. This document provided an inventory of buildings, streetscapes and conservation areas recommended for designation as heritage resources. The “Historic Properties” area was one of the recommended conservation areas. However there was no legislation in place at the time to designate or protect the area.
- 1978 August: the City of Halifax Municipal Development Plan came into effect, including City-Wide Policy 6.1.1 referring to the adopted criteria set out in the *Evaluation and Protection System for Heritage Resources in Halifax*, and Policy 6.1.2 stating that the City should designate properties that meet the adopted criteria.
- 1980 The *Heritage Property Act* (adopted June 5, 1980), enabled municipalities to establish, by bylaw, municipal registries of heritage properties, heritage advisory committees, to designate municipal heritage properties (i.e., buildings, streetscapes, and areas) for inclusion in respective registries (subject to owner notification), to require public hearings, and to file notices in the Registry of Deeds.
- 1981 June 12: City Council adopted Ordinance 174 (the Heritage Property Ordinance). This was changed to the “Heritage Property Bylaw”, upon amalgamation in 1996. The bylaw established the municipal heritage registry, the heritage advisory committee, and the Forms of Notification (these were sent to owners of properties recommended for registration.)
- 1981 October 27: The City registered the “Historic Waterfront Buildings” as a municipal heritage property. The Forms of Notification (see previous bullet) indicated that the reason for registration was: “On August 12, 1971, City Council deemed the property to be a Landmark”, and that, “The Evaluation and Protection System for Heritage Resources in Halifax recommended that all previously designated Landmarks be designated as Heritage Buildings.”
- 1985 Beginning in October 1981, the City of Halifax adopted Ordinance Number 174: *The Establishment of a Heritage Advisory Committee and A Civic Registry of Heritage Property* (later HRM Heritage Property Bylaw), the City began the process of sending out notifications to property owners regarding the buildings recommended for heritage designation in the 1978 Evaluation and Protection System document. In the Historic Properties area, all properties were individually registered by 1985. While these designations protected the individual buildings they did not create the conservation area per se.
- 1990 The Heritage Property Act was amended in 1989 and Heritage Conservation District Regulations were created. These amendments were predicated on the understanding that the Act did not previously enable the designation of

heritage districts, and that the word “area”, in the 1980 Act, had a more limited meaning (e.g. cemeteries, parks, and other areas of historical value with no buildings.)

- 1990 Early in the ‘90s, Armour Group Ltd. (successor to Historic Properties Ltd.) embarked on a further rejuvenation plan for the city-owned site, including construction of a new building (the Food Pavilion). This triggered a series of discussions and negotiations regarding the extent of heritage registration and applicability of the heritage-related development controls to the new buildings.
- 1992 The National Historic Sites and Monuments Board wrote to Historic Properties Ltd. stating that the National Historic Site designation, applied only to the original seven historic buildings. This position was modified in 2004 to include reference to the entire site (see below).
- 1993 The City of Halifax clarified in writing that, while the municipal heritage registration applied to the entire site, the regulatory requirements of the Heritage Property Act would be applied only where there was potential impact on the historic buildings. To achieve this, the City would regulate development on the site through a “hierarchy of approvals”, whereby:
- *Exterior replacement, addition or demolition to the restored buildings, due to their sensitive historical nature, would require approval by the City and Parks Canada;*
  - *Interior renovations would require a building permit from the City and approval from Parks Canada if the work involved structural changes to original building materials and the restored buildings;*
  - *New permanent buildings would require approval by the City consistent with the original lease which, through clause 5.14, also required approval from Parks Canada;*
  - *New temporary buildings, surface improvements, and wharf maintenance would require building permits only;*
  - *Signs would require approval within the framework of an overall concept for the site; and,*
  - *Site furnishings and non-permanent landscaping would not require any approvals.*
- 1994 CMHC clarified, in writing, that the seven historic buildings had been designated under the Federal Heritage Buildings Policy, and, as such, came under the jurisdiction of the Federal Heritage Buildings Review Office (FHBRO). CMHC also indicated that they, along with Parks Canada, were considering divesting of the Federal interest in the buildings to the City of Halifax and that, should this occur, the oversight by FHBRO regarding development of the buildings would cease. To date, however, the Federal interest has not been divested, and CMHC, Parks Canada, and FHBRO continue to be involved in monitoring development of the historic buildings.
- 2000 The original 1974 lease from the City of Halifax was amended by HRM with the insertion of a new clause 5.2.1. This clarified that new buildings may be built as long as they are in keeping with the general style and character of the restored historic buildings, and that the new buildings constructed subsequent to the Restoration Agreement (i.e., Salty’s Restaurant, Pontac House, Anchorage House, and the Food Pavilion) are not heritage properties.
- 2004 The National Historic Sites and Monuments Board approved a report, which clarified, both, the “commemorative intent” of the National Historic Site designation, and the boundaries of the “designated place”, which up to that time had not been clearly articulated. With regard to the latter, the report clarified that the designated place was the complex of historic buildings and the property on which it stood at the time of designation, described as follows:
- A single legally defined property known as the Halifax Waterfront Buildings or Historic Properties. It is a single polygon, approximately rectangular, between Upper Water Street, Halifax, and Halifax Harbour, as shown in Figure 2, Submission Report 2004-54. On the east, the designated place includes the wharves on which the warehouses sit, as shown in Figure 2 and illustrated in Figure 6, Submission Report 2004-54.*
- This was consistent with the position of the former City of Halifax (now HRM) that the municipal registered heritage property consists of the entire Historic Properties site. Within that site are seven historic buildings (the focus and original reason for heritage designation), and a number of newer buildings, having been approved through various agreements and permitting processes, and which have contributed to the economic revitalization of the entire site.
- 2008 The historic properties area has not been officially designated as a Heritage Conservation District (HCD), but is identified as *potential* HCD under the proposed Downtown Halifax Secondary Planning Strategy (i.e., HRM-by-Design).