



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

Item No. 12.1
Halifax Regional Council
May 9, 2023
June 20, 2023

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

For Brian MacDonald, Chair, Heritage Advisory Committee

DATE: April 26, 2023

SUBJECT: **Case H00552: Deregistration of Parcel RL-1 (PID 41027079), Old Sackville Road, Middle Sackville**

ORIGIN

April 26, 2023 meeting of Heritage Advisory Committee, Item 9.1.2.

LEGISLATIVE AUTHORITY

Legislative Authority is outlined in the attached staff report dated April 24, 2023.

HRM By-law No. H-200 - Heritage Property By-law

4. The [Heritage Advisory] Committee shall, within the time limits prescribed by Council or the [Heritage Property] Act, advise the Region respecting:
 - (a) the inclusion of buildings, public building interiors, streetscapes, cultural landscapes or areas in the Registry.

RECOMMENDATION

The Heritage Advisory Committee recommends that Halifax Regional Council:

1. Commence the deregistration process by setting a date for a public hearing to consider deregistering the municipally registered heritage property known and designated as Parcel RL-1 (PID 41027079) on Attachment A of the staff report dated April 24, 2023; and
2. Deregister the property known as PID 41027079, as shown as Parcel RL-1 on Attachment A of the staff report dated April 24, 2023.

BACKGROUND

Heritage Advisory Committee received a staff recommendation report dated April 24, 2023 and staff presentation on Case H00552. The property at 934-954 Old Sackville Road, Middle Sackville has been a Municipally Registered Heritage Property since 1997. The property owner has recently subdivided the property, formerly known as Parcel E-1-D, and created Lot A (PID 41515016) and a remainder parcel, Parcel RL-1 (PID 41027079). As the registration applied to the former Parcel E-1-D, both Lot A and Parcel RL-1 retain heritage designation. The intention of the property owner is to sell Parcel RL-1. As Parcel RL-1 retains its heritage designation, any development proposed on the parcel is subject to heritage standards and requirements. Therefore, the property owner has requested the heritage designation applied to Parcel RL-1 be removed.

For further information refer to the attached staff report dated April 24, 2023 (Attachment 1).

DISCUSSION

Heritage Advisory Committee considered the staff report dated April 24, 2023 and approved the recommendation to Halifax Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

Financial implications are outlined in the attached staff report dated April 24, 2023.

RISK CONSIDERATION

Risk consideration is outlined in the attached staff report dated April 24, 2023.

COMMUNITY ENGAGEMENT

The Heritage Advisory Committee is comprised of ten citizen members and two Councillors. Meetings are live webcast on Halifax.ca. The agenda, reports, video, and minutes of the Committee are posted on Halifax.ca.

For further information on Community Engagement refer to the attached staff report dated April 24, 2023.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are outlined in the staff report dated April 24, 2023.

ALTERNATIVES

Alternatives are outlined in the attached staff report dated April 24, 2023.

ATTACHMENTS

Attachment 1 – Staff recommendation report dated April 24, 2023.

**H00552: Deregistration of Parcel RL-1 (PID 41027079), Old Sackville Road,
Middle Sackville
Council Report**

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May 9, 2023

Report Prepared by: Dorothy Maponga, Legislative Assistant, Municipal Clerk's Office 902.478.2408

The property at 934-954 Old Sackville Road, Middle Sackville has been a Municipally Registered Heritage Property since 1997. The property contains a church, cemetery, and a church hall (Map 1). The property owner has recently subdivided the property, formerly known as Parcel E-1-D, and created Lot A (PID 41515016) and a remainder parcel, Parcel RL-1 (PID 41027079) (Attachment A). Lot A contains the church, cemetery, and the church hall while Parcel RL-1 is vacant. As the registration applied to the former Parcel E-1-D, both Lot A and Parcel RL-1 retain heritage designation. The intention of the property owner is to sell Parcel RL-1. As Parcel RL-1 retains its heritage designation, any development proposed on the parcel is subject to heritage standards and requirements. Therefore, the property owner has requested the heritage designation applied to Parcel RL-1 be removed.

Heritage Property Act

The *Heritage Property Act* seeks “to provide for the identification, designation, conservation, protection and rehabilitation of buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value, in both urban and rural areas, and to encourage their continued use”. HRM’s Heritage Property Program derives its authority from the *Heritage Property Act* which enables municipalities to establish a municipal registry of heritage properties. The subject site is listed within HRM’s heritage registry as 934-954 Old Sackville Road, Middle Sackville which now consists of two parcels of land as described above.

Section 16 of the *Heritage Property Act* identifies provisions under which Council may consider removing (better known as “deregistration”) a property from the Registry as follows:

- “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 or 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”

The *Heritage Property Act* defines:

Heritage value as “the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings.”

Character-defining elements as “the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.”

If Council holds a public hearing on the deregistration, the hearing must 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. If the property is deregistered, the Act requires that 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 situated.

DISCUSSION

Staff have reviewed the requested deregistration application and advise that the deregistration of Parcel RL-1 (PID 41027079) can be considered by Council pursuant to Section 16(1)(b) of the *Heritage Property Act*, after holding a public hearing to consider the proposed deregistration. Staff advise that the continued registration of the property is unnecessary as Parcel RL-1 contains no heritage value nor character defining elements of the registration. All the heritage value and/or character defining elements of the site are located within Lot A, which contains a Georgian-style church built in 1829 and a cemetery that dates to 1790. Lot A will remain a registered heritage property even if Parcel RL-1 is deregistered.

The *Heritage Property Act* does not include appeal provisions of Council decisions regarding deregistration. If the heritage registration was to continue to apply to parcel RL-1, approval of a substantial alteration to the heritage property by Regional Council would be necessary to enable the development of the subject property and all future permit applications for the property would require heritage review. Staff advise that a substantial alteration process for property that has no heritage value would be an undue burden for all parties.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the proposed 2023-2024 operating budget for C340 – Heritage and Planning Information Services.

COMMUNITY ENGAGEMENT

As per section 16(2) of the *Heritage Property Act*, community engagement is required for a heritage deregistration in the form of a public hearing. A public hearing will be held by Regional Council prior to Council's vote on the deregistration.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications associated with the recommendations in this Report.

ALTERNATIVES

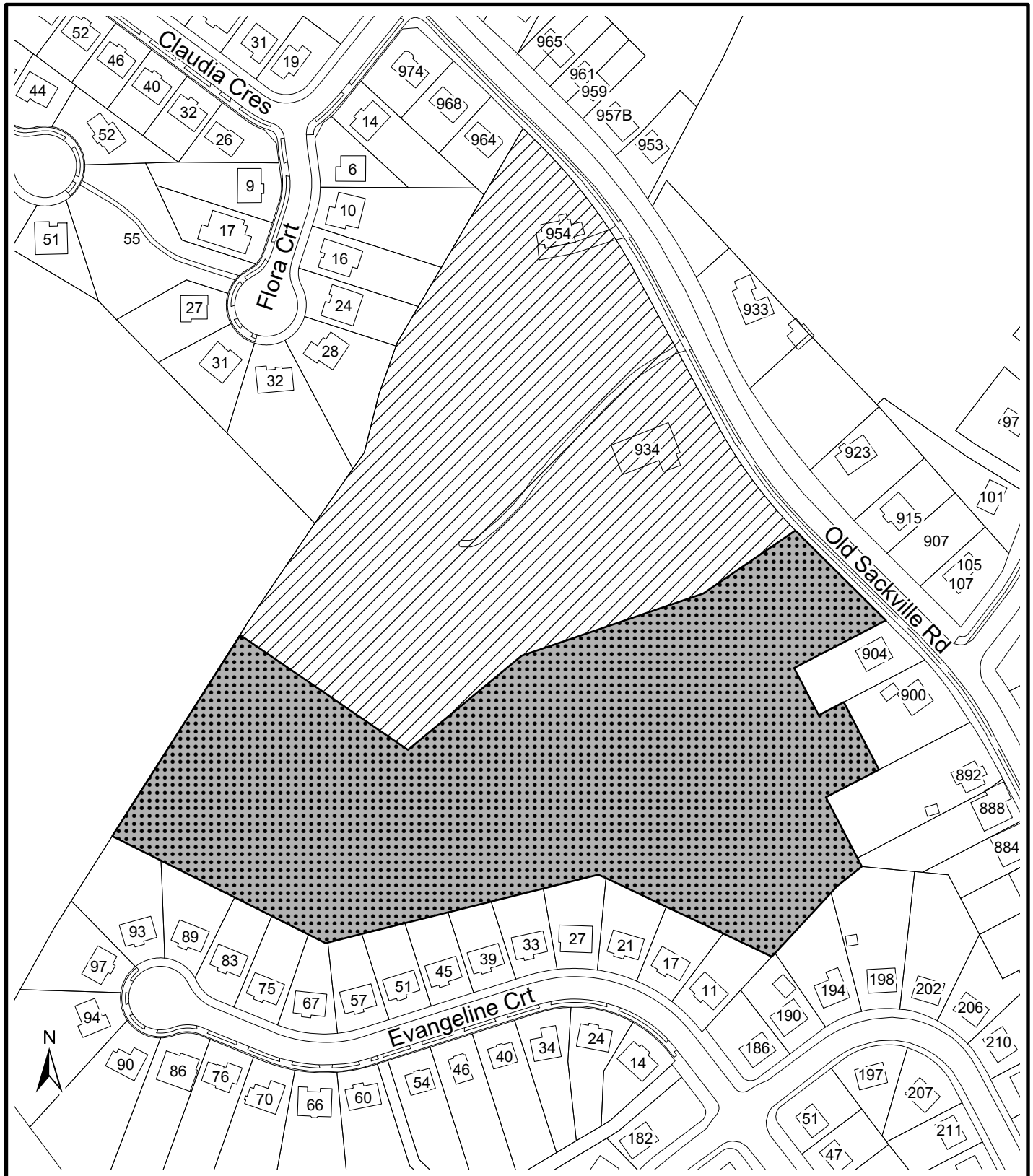
1. The Heritage Advisory Committee may recommend that Regional Council retain the heritage registration of Parcel RL-1 (PID 41027079). This is not the recommended course of action for the reasons outlined in this report.

ATTACHMENTS

Map 1: Location Map
Attachment A: Plan of Survey



A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

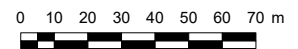
Report Prepared by: Carter Beaupre-McPhee, Heritage Planning Researcher, 902.719.9604



Map 1 - Location Map

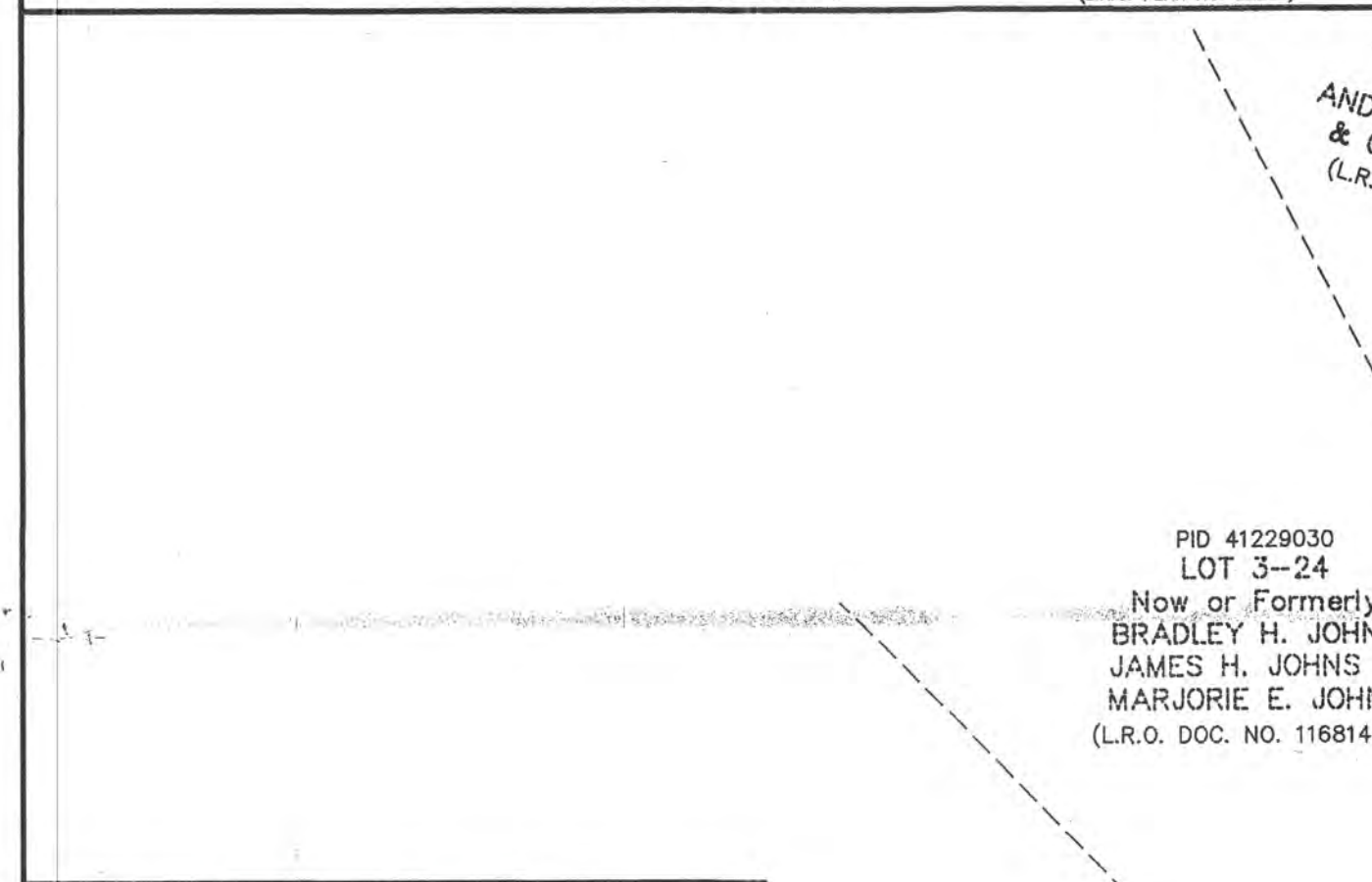
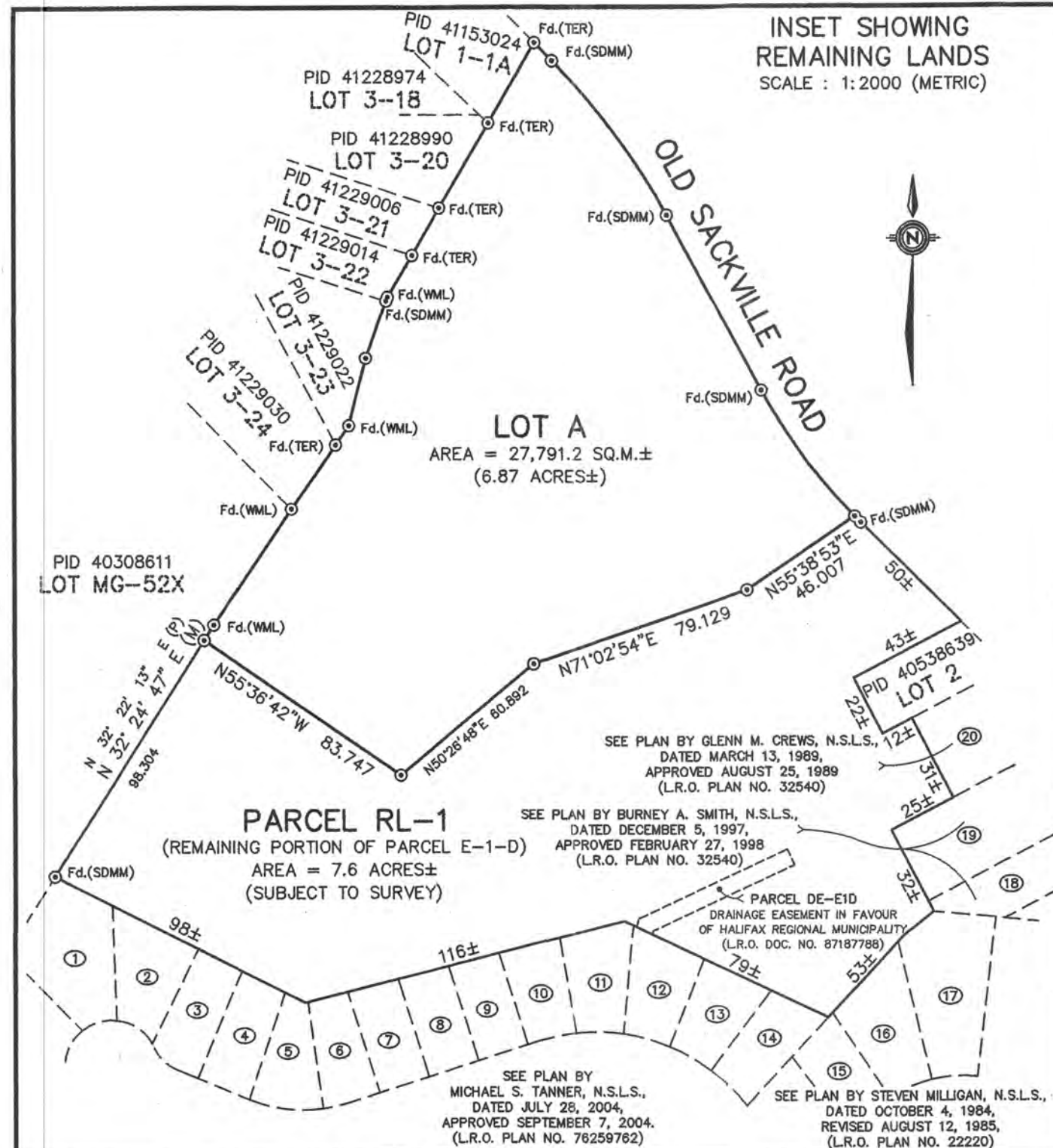
Parcel RL-1
 Old Sackville Road,
 Middle Sackville
 (PID 41027079)

-  Registered Heritage Property
-  Area to be deregistered



HALIFAX

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



APPROVAL STAMPS

HALIFAX REGIONAL MUNICIPALITY

THIS FINAL PLAN OF SUBDIVISION IS APPROVED FOR

LOT(S): A

DATE: August 31, 2022

endorsed by Development Officer
Trevor Crosser

WATERCOURSE ALTERATION & PROVINCIAL PERMITS

In the interest of water quality preservation, it is advised that there is a legal requirement under the NS Environment Act and the Activities Designation Regulations to obtain approval from NS Environment and Climate Change prior to commencing any work in or around the immediate vicinity of any watercourse, including the bed and shores of every river, stream, lake, creek, pond, spring, bog, swamp, marsh, wetland, ravine, gulch or other natural body of water, whether it contains water or not.

HRM WATERCOURSE BUFFERS & DEVELOPMENT

HRM by-laws contain requirements for watercourse buffers relative to adjacent development. Buffers vary in width from a minimum of 20 metres increasing to a maximum of 61 metres, depending on slopes. Activity within buffers is limited and may affect the development of the lots shown on this plan. For specific information concerning watercourse buffer requirements, please contact HRM before applying for construction permits.

CENTRAL SERVICES

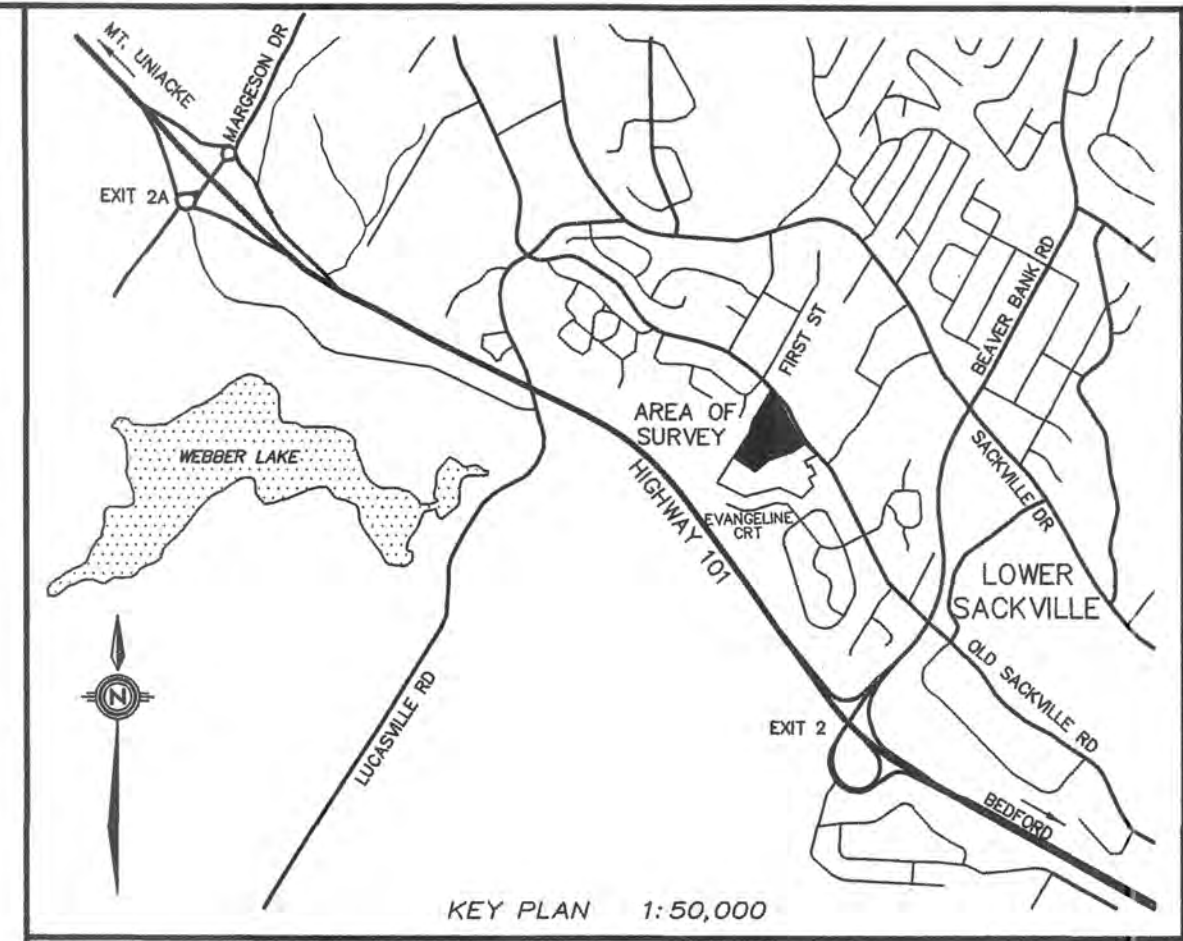
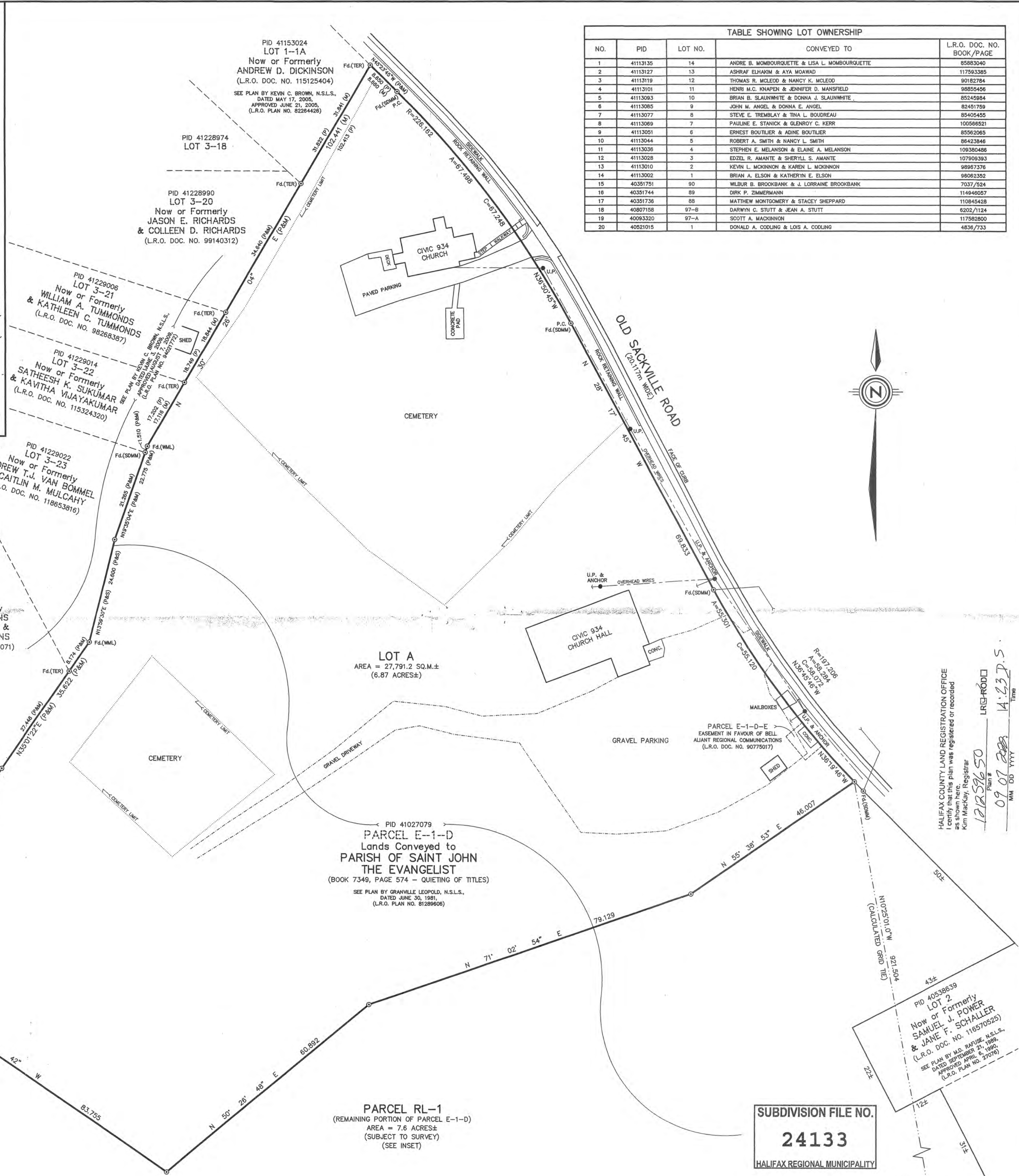
LOT(S) A ARE CAPABLE OF BEING SERVICED WITH MUNICIPAL SEWER & WATER.

SERVICE LATERALS FROM THE MAINS TO THE BUILDING SHALL BE THE RESPONSIBILITY OF THE OWNER.

PUBLIC STREETS OR HIGHWAYS

THE FOLLOWING STREETS AND HIGHWAYS ARE OWNED AND MAINTAINED BY HALIFAX REGIONAL MUNICIPALITY:

Old Sackville Road



LEGEND:

PLACED SURVEY MARKER (Symbol)

FOUND SURVEY MARKER (Symbol)

NOVA SCOTIA HIGH PRECISION NETWORK MONUMENT (Symbol)

FOUND (Symbol)

RADIUS ; ARC ; CHORD (Symbol)

POINT OF CURVATURE (Symbol)

CALCULATED ; MEASURED ; SET (Symbol)

PLAN OF PREVIOUS SURVEY ; DEED ; TOTAL (Symbol)

LANDS DEALT WITH BY THIS PLAN (Symbol)

LAND REGISTRATION OFFICE (Symbol)

PROPERTY IDENTIFICATION NUMBER (Symbol)

SQUARE METRES (Symbol)

UTILITY POLE (Symbol)

CONCRETE (Symbol)

SERVANT, DUNBRACK, MCKENZIE & MACDONALD LTD. (Symbol)

WALLACE MACDONALD & LVELY, LTD. (Symbol)

TERRAIN GROUP INC. (Symbol)

NOTES:

FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD MARCH 27, 2021 TO APRIL 3, 2021.

BEARINGS ARE GRID DERIVED FROM GPS OBSERVATION REFERENCED TO THE NOVA SCOTIA ACTIVE CONTROL SYSTEM (N.S.H.P.N. 222185), BASED ON THE NOVA SCOTIA 3° MODIFIED TRANSVERSE MERCATOR PROJECTION (ZONE 5) AND ARE REFERRED TO CENTRAL MERIDIAN 64° 30' W. THE HORIZONTAL REFERENCE FRAME SHOWN HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (CSRS), EPOCH 2010.0.

ALL DISTANCES SHOWN HEREON ARE GROUND, UNLESS OTHERWISE NOTED. A COMBINED SCALE FACTOR OF 0.999933 CAN BE USED TO FACILITATE THE CONVERSION.

FIELD MEASUREMENTS HAVE NOT BEEN ADJUSTED AND SCALE FACTOR HAS NOT BEEN APPLIED.

LOT IDENTIFIER A AND PARCEL IDENTIFIER RL-1 ORIGINATE WITH THIS PLAN.

PARCEL E-1-D TO BE SUBDIVIDED TO CREATE LOT A AND PARCEL RL-1.

FINAL APPROVAL IS REQUESTED FOR LOT A.

SURVEYOR'S CERTIFICATE:

I, MICHAEL G. WILLIAMS, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAN WAS CONDUCTED UNDER MY SUPERVISION AND THAT THE SURVEY AND PLAN WERE MADE IN ACCORDANCE WITH THE LAND SURVEYORS ACT, REGULATIONS AND STANDARDS MADE THEREUNDER.

DATED THIS 22ND DAY OF FEBRUARY, 2022.

MICHAEL G. WILLIAMS, N.S.L.S.



SURVEYING WILLIAMS NUTTER LTD.
WWW.WNLGROUP.CA
(902) 456-3723

Plan of Survey of LOT A and Showing PARCEL RL-1; being a Subdivision of PARCEL E-1-D, Lands Conveyed to THE PARISH OF SAINT JOHN THE EVANGELIST

OLD SACKVILLE ROAD
MIDDLE SACKVILLE, HALIFAX COUNTY, NOVA SCOTIA

10 8 6 4 2 0 10 20 30 40 50

SCALE: 1:500 (METRIC)
DRAWING NO. 021-052-100
FEBRUARY 22, 2022

HALIFAX COUNTY LAND REGISTRATION OFFICE
I certify that this plan was registered or recorded as shown here.

12.15.2022
Kim MacKay, Registrar

09.07.2022
14.23.2022

SUBDIVISION FILE NO.
24133
HALIFAX REGIONAL MUNICIPALITY

N.S.H.P.N. 222185
N 485887.433
E 25563264.290
NAD83 (CSRS)

Form 28

Purpose: to record a non-enabling document in a parcel register

For Office Use

Registration District: HALIFAX COUNTY
Submitter's User Number: 2757
Submitter's Name: HFX REGIONAL MUN - DARTMOUTH

Take notice that the attached plan/document relates to the following parcels registered under the Land Registration Act

PID: 41027079	PID: 41515016
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Municipal file number or land registration file number (insert file number used when PIDs were originally assigned during pre approval): MF24133

In the matter of the recording of the following non-enabling instrument (select one) :

- plan
- boundary line agreement
- instrument of subdivision
- statutory declaration regarding de facto consolidation
- condominium declaration
- initial condominium bylaws
- condominium plan
- repeal of subdivision
- termination of condominium
- other (specify)

And in the matter of registered owner (insert name): **The Parish of Saint John the Evangelist**

Note: An amending Parcel Description Certification Application may be required.

Dated at Halifax, in the County of **Halifax,** Province of Nova Scotia, **Aug 31, 2022.**

Signature of applicant/municipal official/owner/agent

Name: Trevor Creaser

Address: 5251 Duke Street, Halifax, NS B3J 3A5

Phone: 9024761591

Email: westreg@halifax.ca

Fax: 902-490-4645