



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

Item No. 15.4.2
Halifax Regional Council
March 19, 2024

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Brian MacDonald, Chair, Heritage Advisory Committee

DATE: February 27, 2024

SUBJECT: **H00574: Deregistration of Lot 1SM1-1 (PID 41518333), 12 York Redoubt Crescent, Fergusons Cove**

ORIGIN

February 27, 2024 meeting of Heritage Advisory Committee, Item 9.1.1.

LEGISLATIVE AUTHORITY

Legislative Authority is outlined in the attached staff report dated January 23, 2024.

Heritage Property Act:

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

Halifax Regional Municipality By-law H-200, *Respecting the Establishment of a Heritage Advisory Committee and a Civic Registry of Heritage Property:*

4. The Committee shall, within the time limits prescribed by Council or the Act, advise the Region respecting:
 - (l) the deregistration of heritage properties;

RECOMMENDATION ON PAGE 2

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 at 12 York Redoubt Crescent, Fergusons Cove, known as PID 41518333 and designated as Lot 1SM1-1 on Attachment A of the staff report dated January 23, 2024; and
2. Deregister the property at 12 York Redoubt Crescent, Fergusons Cove, known as PID 41518333 and designated as Lot 1SM1-1 on Attachment A the staff report dated January 23, 2024, as amended to be cumbered upon the property owner providing an archeological assessment.

BACKGROUND

At the February 27, 2024 meeting, the Heritage Advisory Committee received a staff recommendation report dated January 23, 2024 to consider the deregistration of the municipally registered heritage property at 12 York Redoubt Crescent, Fergusons Cove known as PID 41518333.

For further information refer to the attached staff report dated January 23, 2024.

DISCUSSION

The Heritage Advisory Committee considered the staff report dated January 23, 2024 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 January 23, 2024.

RISK CONSIDERATION

Risk consideration is outlined in the attached staff report dated January 23, 2024.

COMMUNITY ENGAGEMENT

The Heritage Advisory Committee is comprised of six 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 January 23, 2024.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are outlined in the staff report dated January 23, 2024.

ALTERNATIVES

Alternatives are outlined in the attached staff report dated January 23, 2024.

ATTACHMENTS

Attachment 1 – Staff recommendation report dated January 23, 2024.

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

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

Item No. 9.1.1
Heritage Advisory Committee
February 27, 2024

TO: Chair and Members of the Heritage Advisory Committee

SUBMITTED BY:

-ORIGINAL SIGNED-

Cathie O'Toole, Chief Administrative Officer

DATE: January 23, 2024

SUBJECT: **H00574: Deregistration of Lot 1SM1-1 (PID 41518333), 12 York Redoubt Crescent, Fergusons Cove**

ORIGIN

On December 12, 2023, Regional Council put and passed the following motion unanimously:

THAT Halifax Regional Council direct the Chief Administrative Officer (CAO) to provide a staff report initiating a heritage de-registration of PID41518333 (Lot 1SM1-1), a subdivided portion of a registered heritage property known as York Redoubt, located at 12 York Redoubt Crescent, Ferguson's Cove, Nova Scotia.

LEGISLATIVE AUTHORITY

Heritage Property Act, R.S.N.S., 1989, c. 199, sub-section 16(1)

RECOMMENDATION

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

- 1) Commence the deregistration process by setting a date for a public hearing to consider deregistering the municipally registered heritage property at 12 York Redoubt Crescent, Ferguson's Cove, known as PID 41518333 and designated as Lot 1SM1-1 on Attachment A of this report; and
- 2) Deregister the property at 12 York Redoubt Crescent, Ferguson's Cove, known as PID 41518333 and designated as Lot 1SM1-1 on Attachment A of this report.

BACKGROUND

The property at 4 York Redoubt Crescent, Fergusons Cove has been a Municipally Registered Heritage Property since 1994 (Map 1). The property contains the former Stella Maris Church, an Elizabethan or "country Romanesque" style church built in 1846. The property owner has recently subdivided the property as shown on Attachment A to create two lots as follows:

12 York Redoubt Crescent	New Lot:	1SM1-1 (PID 41518333)	Vacant
4 York Redoubt Crescent	Remainder Lot:	1SM1 (PID 40079733)	Contains church

The subdivision process can not change a heritage designation boundary of a Municipally Registered Heritage Property. Consequently, a heritage designation is applied to both 4 and 12 York Redoubt Crescent. The intention of the property owner is to develop and/or sell 12 York Redoubt Crescent. As 12 York Redoubt Crescent retains its heritage designation, any development proposed on the property is subject to heritage standards and requirements. Therefore, the property owner has requested that the heritage designation applied to 12 York Redoubt Crescent 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 4 York Redoubt Crescent, Fergusons Cove, which now consists of two lots of land as described above.

Section 16 of the *Heritage Property Act* identifies provisions under which Council may consider deregister 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 12 York Redoubt Crescent 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 12 York Redoubt Crescent 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 4 York Redoubt Crescent and the property will remain a registered heritage property even if 12 York Redoubt Crescent 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 12 York Redoubt Crescent, approval of a substantial alteration to the heritage property by Regional Council may 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 – Culture, 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 decision on the deregistration.

ENVIRONMENTAL IMPLICATIONS

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

ALTERNATIVES

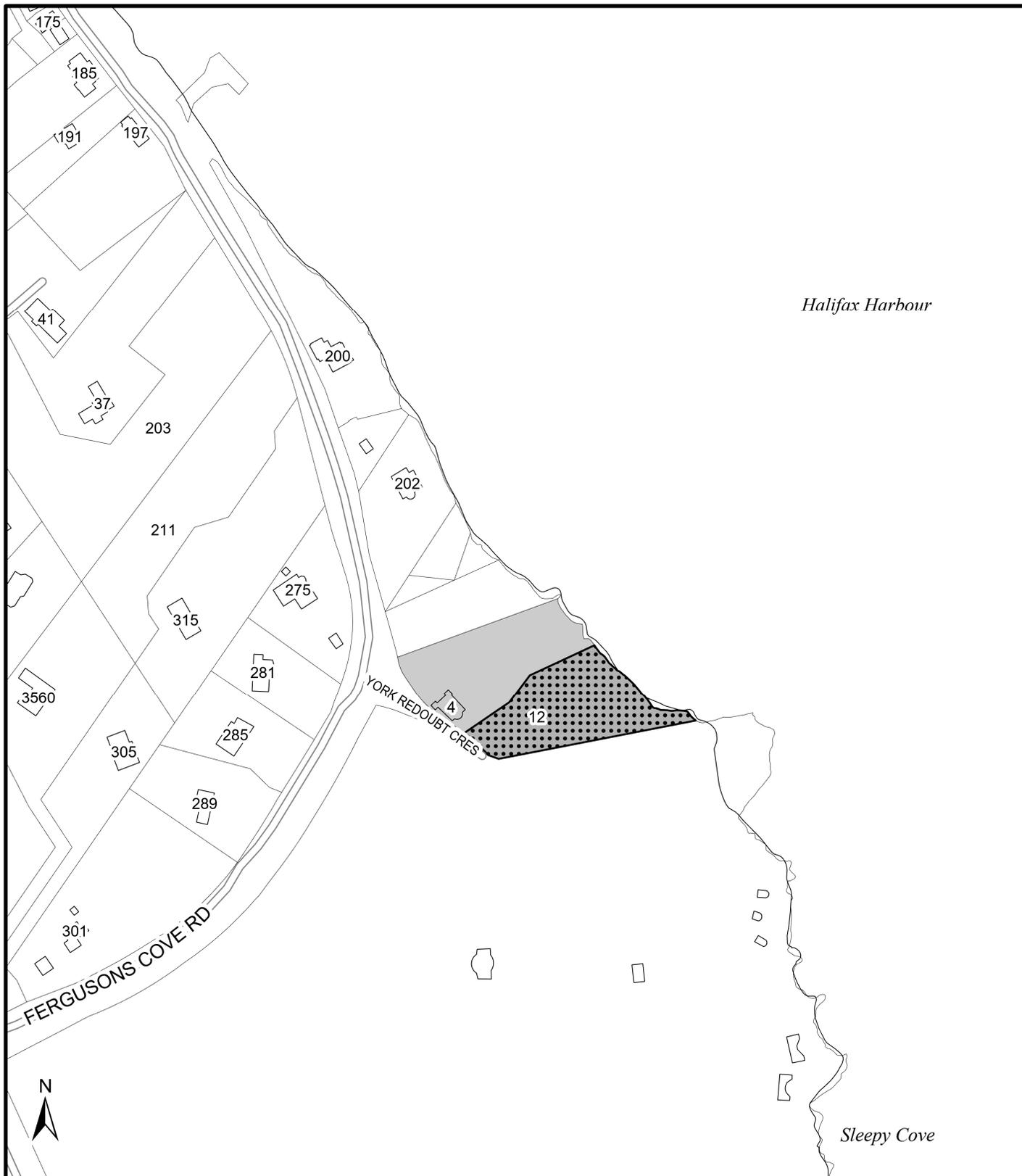
1. The Heritage Advisory Committee may recommend that Regional Council retain the heritage registration on 12 York Redoubt Crescent known as PID 41518333 and designated as Lot 1SM1-1 on Attachment A of this report. This is not the recommended course of action for the reasons outlined in this report.

ATTACHMENTS

Map 1: Location Map
Attachment A: Plan of Subdivision

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.

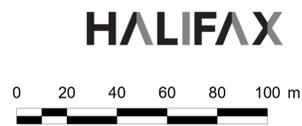
Report Prepared by: Carter Beaupre-McPhee, LPP, MCIP, CAHP | Heritage Planning Researcher | 902.719.9604



Map 1 - Location Map

Lot 1SM1-1
 12 York Redoubt Cres,
 Fergusons Cove, NS
 (PID 41518333)

- Registered Heritage Property
- Area To Be Deregistered



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

ATTACHMENT A:

PLAN OF SUBDIVISION

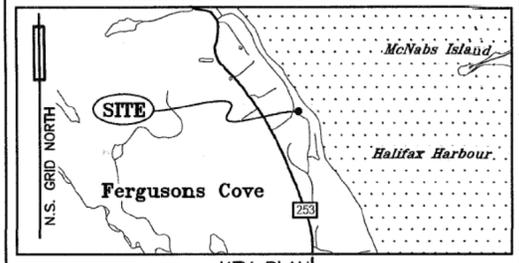
GRID COORDINATE TABLE			
NAD83 (CSRS) 2010.0, MTM ZONE 5			
POINT	NORTHING	EASTING	DESCRIPTION
204904	4,940,968.852	25,574,581.037	N.S.H.P.N.
100	4,940,263.473	25,575,143.075	PT

PLAN REFERENCES:

1. PLAN OF PARCELS A, B AND C, YORK REDOUBT, NATIONAL HISTORIC PARK, WESTERN SHORE OF HALIFAX HARBOUR, HALIFAX COUNTY, DATED JUNE 10, 1985 BY G. RAYMOND. REGISTRY No. 21964.
2. PLAN OF SURVEY OF LOT 1SM, PORTION OF LOTS 4 AND 5 IN A DIVISION OF LANDS OF WILLIAM BEAZLEY, LANDS CLAIMED BY THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HALIFAX, FERGUSONS COVE, HALIFAX COUNTY, DATED 8 JUNE, 2007 BY ALLAN J. OWEN. REGISTRY No. 95685039.
3. PLAN OF SURVEY OF LOT 1SM1, PORTION OF LOTS 4 AND 5 IN A DIVISION OF LANDS OF WILLIAM BEAZLEY, LANDS CLAIMED BY THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HALIFAX, FERGUSONS COVE, HALIFAX COUNTY, DATED 6 FEBRUARY, 2012 BY ALLAN J. OWEN. REGISTRY No. 100138917.

NOTES:

1. LOT IDENTIFIERS LOT 1SM1-1 AND LOT R-1SM1 ORIGINATE WITH THIS PLAN.
2. ALL LOTS ARE OR CAN BE SERVICED BY ON-SITE WELL AND SEPTIC SYSTEMS.
3. APPROVAL OF LOT 1SM1-1 IS REQUESTED PURSUANT TO SECTION 45 OF THE REGIONAL SUBDIVISION BY-LAW. LOT 1SM1-1 IS DESCRIBED IN BOOK 2979, PAGE 996 AND RECORDED AT THE REGISTRY OF DEEDS ON FEBRUARY 2, 1976. THIS EXEMPTION HAS NOT PREVIOUSLY BEEN USED FOR THIS AREA OF LAND.



TOPO MAP NO. 11 D 12 SCALE 1 / 50,000

LEGEND :

◊	FT.	CALCULATED POINT	WIT.	WITNESS MEASURED
○	IB	UTILITY POLE	(W)	MEASURED
●	IB	IRON BAR	(C)	CALCULATED
○	RP	ROCK POST	(D)	DEED
○	IP	IRON PIPE	(P)	PLAN
○	DH	DRILL HOLE	PI	PLACED
○	MN	MAGNETIC NAIL	Fd	FOUND
○	GM	GRANITE MONUMENT	R	RADIUS
			A	ARC
○	SM	SURVEY MARKER (IRON BAR WITH ID CAP)		
△	N.S.C.M.	NOVA SCOTIA CO-ORDINATE MONUMENT		
△	N.S.H.P.N.	NOVA SCOTIA HIGH PRECISION NETWORK		
△	N.S.A.C.S.	NOVA SCOTIA ACTIVE CONTROL STATION		
		BOUNDARY CERTIFIED BY THIS PLAN		
		R.O.W. BOUNDARY		
---		LAND REGISTRATION OFFICE		
---	L.R.O.	RIGHT-OF-WAY		
---	O.H.W.M.	ORDINARY HIGH WATER MARK		
P.I.D.		PROPERTY IDENTIFICATION NUMBER		
PC		POINT OF CURVATURE		
PRC		POINT OF REVERSE CURVATURE		
DIST.		DISTURBED		
TC		THOMPSON CONN LIMITED		
#304		JOHN W. COVERT, NSLS		

GRID BEARINGS ARE REFERENCED TO THE NOVA SCOTIA 3' MODIFIED TRANSVERSE MERCATOR PROJECTION, ZONE 5, CENTRAL MERIDIAN 64° 30' WEST LONGITUDE. HORIZONTAL REFERENCE FRAME OF NAD83 (CSRS), EPOCH 2010.0

NAD83 (CSRS) CONTROL COORDINATES WERE DERIVED VIA THE NOVA SCOTIA HIGH PRECISION NETWORK. (G.N.S.S. OBSERVATIONS) G.N.S.S. SURVEY TYPE: NRTK SOURCE: BRANDTNET

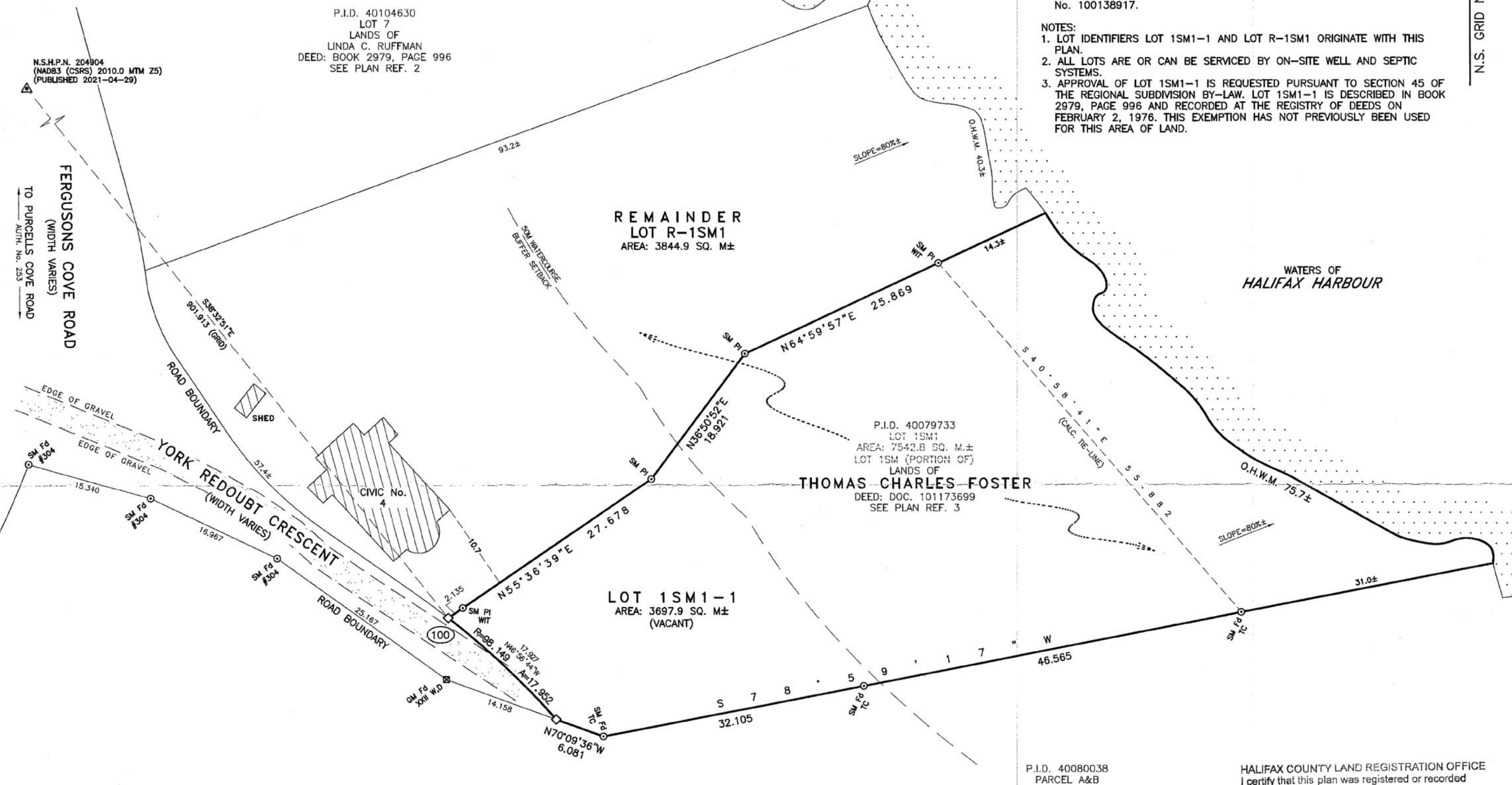
DISTANCES SHOWN ON THE PLAN ARE GROUND DISTANCES UNLESS OTHERWISE STATED, MEASURED USING A COMBINATION OF TOTAL STATION AND DERIVED G.N.S.S. GROUND DISTANCES.

THE COMBINED SCALE FACTOR AT THE SITE OF SURVEY IS 0.999964. VALUES SHOWN ARE UNADJUSTED.

FIELD SURVEYS CARRIED OUT FEB. TO APR., 2022. NATURAL FEATURES DERIVED VIA G.N.S.S. OBSERVATIONS. WETLANDS MAY EXIST ON THE LANDS SHOWN HEREON AND ARE SUBJECT TO INTERPRETATION AND IDENTIFICATION BY A QUALIFIED WETLAND DELINEATOR.

SURVEYOR'S CERTIFICATE:
I, DYLAN M. MOSSMAN, 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 SURVEYOR'S ACT, REGULATIONS AND STANDARDS MADE THEREUNDER.

DATED THIS 14 DAY OF JULY, 2022
[Redacted Signature] N.S.L.S.



HALIFAX REGIONAL MUNICIPALITY
THIS FINAL PLAN OF SUBDIVISION IS APPROVED FOR
LOT(S): 1SM1-1
DATE: May 09, 2023
endorsed by Development Officer
Laura Walsh

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 shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, whether it contains water or not.

PUBLIC STREETS OR HIGHWAYS
THE FOLLOWING STREETS AND HIGHWAYS ARE OWNED AND MAINTAINED BY HALIFAX REGIONAL MUNICIPALITY:
York Redoubt Crescent

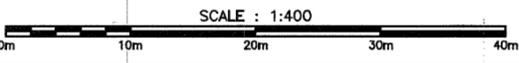
SEWAGE DISPOSAL
Lot(s) 1SM1-1 is/are suitable for the construction or installation of an on-site sewage disposal system for Single Unit Dwelling and any conditions which apply are contained in a report dated November 24, 2021 and available from the Department of Environment and Climate Change.

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.

P.I.D. 40080038
PARCEL A&B
LANDS OF
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA
CANADIAN HERITAGE, PARKS CANADA (IN CARE OF)
DEED: BOOK 3300, PAGE 989
SEE PLAN REF. 1
CIVIC No. 292

HALIFAX COUNTY LAND REGISTRATION OFFICE
I certify that this plan was registered or recorded as shown here.
Kim MacKay, Registrar
122448328 LR ROD
05 10 2023 11:09ct
MM DD YYYY Time

SUBDIVISION FILE NO.
24431
HALIFAX REGIONAL MUNICIPALITY



REV. 2	REVISED NOTE 3	05/05/23
REV. 1	REVISED WATERCOURSE BUFFER SETBACK	27/09/22

PLAN OF SUBDIVISION OF LOT 1SM1-1, LANDS OF THOMAS CHARLES FOSTER, AT 4 YORK REDOUBT, FERGUSONS COVE, HALIFAX COUNTY, NOVA SCOTIA. P.I.D. 40079733

SCALE	1 : 400	APPROVAL PER	HRM
DATE (DD/MM/YY)	14/07/22	PROJ. NAME	T. FOSTER
DRN.	E.B.O.	DWG. NO.	211117-60

ABLE ENGINEERING SERVICES INC.
4073 HIGHWAY #3 P.O. BOX 959 CHESTER, NOVA SCOTIA, B0J 1J0
TEL: 1-833-756-8433 FAX: 902-273-3072
Email: surveying@ableinc.ca www.ableinc.ca