

HALIFAX

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

Item No. 9.2
Heritage Advisory Committee
September 26, 2018

TO: Chair and Members of the Heritage Advisory Committee

-Original Signed-

SUBMITTED BY:

Kelly Denty, Director, Planning and Development

DATE: September 9, 2018

SUBJECT: **Case H00462: Request to Include the Kenny-Dennis Building at 1740 Granville Street, Halifax, in the Registry of Heritage Property for the Halifax Regional Municipality**

ORIGIN

Application by a third-party group, the Maritime Institute for Civil Society.

LEGISLATIVE AUTHORITY

The Heritage Property Act

RECOMMENDATION

It is recommended that should 1740 Granville Street, Halifax, score more than 50 points, the Heritage Advisory Committee recommend that Regional Council:

1. Set a date for a heritage hearing to consider the inclusion of the subject property in the registry of heritage property for the Halifax Regional Municipality; and
2. Approve the request to include 1740 Granville Street in the Registry of Heritage Property for the Halifax Regional Municipality, as shown on Map 1, as a municipal heritage property.

BACKGROUND

Paul Armstrong, on behalf of the Maritime Institute for Civil Society, applied to include the property located at 1740 Granville Street, Halifax, known as the Dennis Building (Map 1), in the registry of heritage property for the Halifax Regional Municipality.

In the mid-19th century, the Kenny-Dennis Building was constructed to house the dry goods firm T. & E. Kenny, owned by brothers Thomas and Edward. William Dennis, owner of the Halifax Herald, purchased the building in 1900. Prominent architect George Henry Jost was hired to renew the interior and add three storeys after it was ravaged by fire in 1912. The Government of Nova Scotia later acquired the building for use as office space.

The property is currently owned by the NS Department of Transportation and Infrastructure Renewal (DTIR). A report prepared by a local architect on the condition of the Dennis building in 2010 recommended its demolition because its masonry walls and windows are in a poor state of repair despite a structurally solid foundation, floors, and roof. Water leaks and air quality issues are an ongoing concern. The building was vacated in 2013 for safety concerns after a mold problem was discovered in one of the upper floors¹.

On November 27, 2017, the Province issued a Request for Proposals (RFP) for the redevelopment of the Dennis Building site. As of the date of this report, the evaluation and awarding process for this RFP is still ongoing. DTIR has formally notified the municipality that they do not support the registration of the property.

This application is considered in accordance with Sections 14 and 15 of the *Heritage Property Act*.

HRM's Heritage Property Program

The purpose of the HRM Heritage Property Program is to help protect and conserve significant heritage resources including buildings, streetscapes, sites, areas, and conservation districts that reflect the rich heritage found throughout HRM. One of the principal aims of the Heritage Property Program is to recognize significant heritage resources through the inclusion of properties into the Municipal Registry of Heritage Properties.

Under the Heritage Property Program, all registration applications for heritage buildings are evaluated by the Heritage Advisory Committee (HAC) using "The Evaluation Criteria for Registration of Heritage Buildings in Halifax Regional Municipality" (Attachment A).

The Evaluation Criteria for scoring a property and building are broken down into six categories as follows:

Criterion	Highest Possible Score
1. Age	25
2. Historical or Architectural Importance	20
3. Significance of Architect/Builder	10
4. Architectural Merit: Construction type and Style	20
5. Architectural Integrity	15
6. Relationship to Surrounding Area	10
Total	100

Should the HAC score a property with more than 50 points, a positive recommendation will be forwarded to Regional Council.

Nova Scotia Heritage Property Act

HRM's Heritage Property Program receives its authority from the *Heritage Property Act* which seeks:

"to provide for the identification, designation, preservation, 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".

The current application has been submitted by a third-party applicant. In HRM, heritage registration applications are most commonly submitted by the owners of heritage properties. However, the *Heritage Property Act* does not limit who may apply to register a property. For example, in 1978 the Former City of Halifax initiated the registration of many heritage properties following the adoption of the *Evaluation &*

¹ "Dennis Building" National Trust for Canada, <https://archive.nationaltrustcanada.ca/issues-campaigns/top-ten-endangered/explore-past-listings/nova-scotia/dennis-building>, (March 2, 2018)

Protection System for Heritage Resources in Halifax, which provided evaluations and recommendations regarding unregistered heritage resources in the community.

Sections 14(2) and 15(1) under the *Heritage Property Act* require that notice of recommendation be given to the property owner at least thirty (30) days prior to any Council decision to include the property in the Registry of Heritage Property for the Halifax Regional Municipality. The property owner is also given an opportunity to address Regional Council before it decides on the registration request. Should a positive recommendation be forwarded to Council, municipal staff will ensure the required notices are sent to the owners and deposited at the Registry of Deeds.

DISCUSSION

Heritage registration applications are evaluated by the HAC relative to six evaluation criteria as outlined above and described in greater detail in Attachment A. To assist the HAC in their evaluation and scoring, staff offer the following comments based on a research report (Attachment B).

1. Age:

This building at the corner of Granville and George Streets in Halifax is one of the earliest remaining stone buildings to be constructed around the Province House square. Construction began in 1841 and redeveloped to its current appearance in 1863 for the dry goods business of Thomas & Edward Kenny, the stone building has survived over 150 years including a fire in 1912 and the effects of the Halifax Harbour Explosion in 1917.

2. Historical OR Architectural Importance:

Relationship to Important Occasions, Institutions, Personages or Groups:

The Kenny-Dennis building has significant associations with the Kenny family and the legacy of generations of early Irish immigrants and their role in building the nineteenth century prosperity of Halifax and Nova Scotia. The Kenny-Dennis building also has significant associations with the Dennis family and the role of the Halifax Herald and Evening Mail (later the Chronicle-Herald and Mail-Star) as the newspaper of record for Nova Scotia.

The business of "T. & E. Kenny Merchants" was founded by two prominent Irish Catholic businessmen of the city who were active in civic, social, and governmental life. Sir Edward Kenny and his son went on to found the Merchants' Bank of Halifax which later changed its name to the Royal Bank of Canada in 1901. Edward Kenny served as Mayor of Halifax in 1842 and was a member of the Legislative Council of Nova Scotia from 1841-1867. Kenny was a supporter of Confederation, and this led to his appointment to the Senate and then to a position in the first Cabinet of John A. MacDonald in 1867.

In 1900, William Dennis purchased the Kenny building and made it the headquarters of the Halifax Herald newspaper. In 1912, William Dennis was appointed to the Senate on the advice of the Prime Minister, Robert Borden, where he served until his death in 1920.

3. Significance of Architect or Builder:

David Stirling was the architect of the 1863 redevelopment of the building with construction carried out by George Blaiklock. After 1912, the interior was renewed and three more storeys were constructed by Samuel Brookfield under the design plans of architect George Henry Jost.

Stirling was a Scottish architect (1822-1887). Among his Halifax buildings were the Halifax Club (1862), the residence of Alexander Keith (1863), and Fort Massey Presbyterian Church (1870) — now Fort Massey United Church. He was appointed architect for the Dominion Government in Nova Scotia with responsibility for federal buildings in the Province.

George Henry Jost was a native Nova Scotian. During his early years as an architect, Jost collaborated with the builder Henry Peters on the design of St. Patrick's Church on Brunswick Street. He went on from there to become the sole teacher of architectural drawing at the Victoria College of Art & Design (now NSCAD University).

George Blaiklock and Samuel Brookfield were both prolific construction contractors in Halifax and around the Maritimes.

4. Architectural Merit:

Construction type or building technology:

This building was originally constructed by T. & E. Kenny Merchants in 1841 as a two-and-a-half storey Georgian stone warehouse with a hipped roof. In 1863, the Stirling design doubled the footprint area to its existing dimensions, added two storeys to the building, a hipped roof, and the two existing granite façades facing Granville Street and George Street. These granite walls are supported by brick and rubble backing and its joints are only 1/8", laid with lime putty.

In 1901, when William Dennis purchased the building, the hipped roof was removed and another storey was added. After the 1912 fire leveled the building and much of the block, the Jost design essentially reconstructed the shell of the building in steel and concrete to improve the structural stability of the four-storey granite façades and to support three new storeys.

It is somewhat rare to see Edwardian additions on Mid-Victorian buildings in Halifax but there are several examples. However, it is very rare to see a Mid-Victorian building completely renovated using modern materials such as steel and concrete during the Edwardian period.

Style:

Architect David Stirling designed the Mid-Victorian building consisting of the first four storeys of the Kenny-Dennis building. Its stone façades, classical symmetry, and simplicity complement the Province House. Architect George Henry Jost designed the Edwardian addition consisting of the top three storeys of the Kenny-Dennis building and the central arched entrance. The Neoclassical design of this addition complements Stirling's Mid-Victorian building.

Character-defining elements relating to Stirling's Mid-Victorian building include:

- four-storey masonry structure with granite stone block walls;
- hung windows, within each bay, with matching widths and varying heights on each storey;
- granite stone plinth, water table, lug sills, string courses dividing each storey, and strong bracketed cornice above the fourth storey; and
- square openings in the plinth course, within each bay, capped by an arched carving in the water table.

Character-defining elements relating to Jost's Edwardian addition include:

- three-storey brick structure on top of a four-storey structure;
- triplet hung windows, within each bay, with matching widths and heights;
- lug sills supporting triplet windows divided by subtle engaged columns, string courses dividing each storey, and strong bracketed copper cornice; and
- central arched entrance with transom window framed by engaged Doric columns supporting an entablature which contains the letters "19" over the left column, "12" over the right column, and "Dennis" in between the columns and above the entrance.

5. Architectural Integrity:

The architectural integrity of the building, including Stirling's 1863 redevelopment and Jost's 1912 redevelopment, is very good. There have been no additions to the building since 1912 except for a fire escape stair enclosure, clad in horizontal corrugated metal siding, installed on the outside of the west wall. Utility equipment, including gas meter risers, were installed in some of the openings in the plinth course.

6. Relationship to Surrounding Area:

The Kenny-Dennis Building (1863) is an important architectural asset contributing to the heritage character of Province House and its surrounding area. It is the earliest extant example of a building that respects the immediate context of Province House Square.

Other buildings around the perimeter of Province House, built after the Kenny-Building, also complement the Classical architecture of Province House including the Old Post Office Building (1863), the Howard & Son Building (1867) on Hollis Street, the Acadian Recorder Building (1900) on Granville Street, the Bank of Commerce (1906) on George Street, the Jost addition to the Kenny-Dennis Building (1912) and the J.W. Johnston Building (1928), the Bank of Nova Scotia Building (1931), and the Provincial Building (1935).

Third Party Registration

The *Heritage Property Act of Nova Scotia* allows third parties (persons with no ownership interest in a property) to apply for heritage registration. These applications can be controversial because the property owner(s) may not be supportive of the application. Other than the initial registration of multiple buildings by the cities of Halifax and Dartmouth upon the creation of the municipal heritage registries in the early 1980s, there have been few examples of applications for registration that were not initiated by the property owner. The following describes four recent examples of third party registration:

1. 2263 Brunswick Street (St. Patrick's Church) was considered for registration against the objections of its owner on July 22, 2014, and successfully added to the register of municipal heritage properties. The registration was initiated by staff to correct an error in the original registration where the Notice of Registration was placed on title on the abutting manse property at 2267 Brunswick Street but this notice clearly addressed St. Patrick's Church building as the intended recipient of the of the heritage status.
2. Neighbouring property owners applied to register 851 Young Avenue to prevent demolition in April 2016. The owner proceeded to demolish the property before HAC could consider the application.
3. In September 2017 a group of local residents applied to register 5375 Kaye Street, Halifax (also known as United Memorial Church) as a third party applicant. HAC recommended in favour of registration, but Regional Council voted against registration at its June 5, 2018 meeting following objections from the property owner.
4. In April 2017, a neighbouring property owner applied to register an unaddressed lot on Great Beech Hill Road in Lower Sackville against the wishes of the property owner citing historical First Nations use of the site. At its meeting on May 23, 2018, HAC recommended against registration due to insufficient evidence of age or cultural associations on the property.

Considering the possibility that these types of applications could become more commonplace, staff have standardized their approach to notify property owners when a third-party application has been submitted for their property. Under the *Act*, owners are not required to be notified until a date has been set for the heritage hearing, at which point they are provided an opportunity to speak to the application before Regional Council. In this case, staff have notified the owner upon receipt of the application package and have informed them about the implications of registration.

Response from Property Owner and Future Development of the Property

The property owner (DTIR) does not support the application to register its property at 1740 Granville Street as a municipal heritage property (Attachment C). They note that on November 27, 2017, the Province issued an RFP for the Sale or Lease of Land and Buildings at 1740 Granville Street, 1730 Granville Street and 1724 Granville Street. They relate that the maintenance and look of the Dennis Building and the entire development was specifically referenced in this RFP and that all shortlisted proponents provided for the retention of the façade of the building. An amendment to the RFP requirements in June 2018 stipulates that the Province will retain ownership of the lands and will be leasing the site to the successful bidder rather than selling. The RFP submission period was officially closed on July 26, 2018, and DTIR is currently evaluating the submissions.

The Province will also review and approve all proposed designs and the RFP requires that all municipal zoning and by-law approvals are met. These three properties are within the DH-1 Zone and are permitted a 22-metre pre-bonus height and a 28-metre post-bonus height. A development project of this scale will require an application for site plan approval and consideration by the Design Review Committee.

If this application for municipal heritage registration is successful, Regional Council would also need to review and approve any substantial alteration to the exterior of the Kenny-Dennis Building, based on the advice of its Heritage Advisory Committee and municipal staff before any permit can be issued for the development.

The current application to include the subject property in the Registry of Heritage Property for the Halifax Regional Municipality is evaluated based on the property's heritage value and the evaluation criteria established in the Heritage Property By-law (H-200).

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved 2018/2019 operating budget for C002 – Urban Design.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered rate Low.

To reach this conclusion, consideration was given to operational, financial, and/or strategic risks.

COMMUNITY ENGAGEMENT

The community engagement process for a heritage registration is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing achieved through public accessibility to the required Heritage Advisory Committee meeting. As a provision of the *Heritage Property Act*, no registration of a municipal heritage property shall take place until Regional Council has given the owner of the property an opportunity to be heard.

ENVIRONMENTAL IMPLICATIONS

No concerns identified.

ALTERNATIVES

1. The Heritage Advisory Committee may choose to refuse the application to include 1740 Granville Street in the Registry of Heritage Property for the Halifax Regional Municipality if the property scores less than 50 points based on the evaluation criteria.
2. The Heritage Advisory Committee may choose to forward the application to include 1740 Granville Street in the Registry of Heritage Property for the Halifax Regional Municipality to Regional Council without a recommendation.

ATTACHMENTS

Map 1: Location Map

Attachment A: Evaluation Criteria

Attachment B: Research Report

Attachment C: Letter from Property Owner

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: Seamus McGreal, Planner III, 902.490.4663

-Original Signed-

Report Approved by:

Kurt Pyle, A/Manager, Heritage Property Program, 902.490.6011

-Original Signed-

Report Approved by:

Eric Lucic, Manager Regional Planning, 902.430.3954
