



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 12.1

Halifax Regional Council
November 12, 2024
December 10, 2024

TO: Mayor Fillmore and Members of Halifax Regional Council

FROM: Tyler Brothers, Vice Chair, Heritage Advisory Committee

DATE: October 8, 2024

SUBJECT: **Case HRTG-2023-00650 – [Supplementary Report] Proposed Demolition of a Municipally Registered Heritage Property at 1259 South Park Street, Halifax**

ORIGIN

October 8, 2024 meeting of Heritage Advisory Committee, Item 9.1.4.

RECOMMENDATION

The Heritage Advisory Committee recommends that Halifax Regional Council:

1. Set a public hearing date to consider the proposed demolition of the registered heritage property and contributing heritage resource at 1259 South Park Street, Halifax, in accordance with Attachment G of the staff report dated January 31, 2024 and By-law H-700 (the Schmitville Heritage Conservation District By-law);
2. After the public hearing, approve the application by the Archdiocese of Halifax-Yarmouth under the Heritage Property Act to demolish the registered heritage property at 1259 South Park Street, Halifax, subject to the following conditions:
 - a. The stone masonry wall on the northern boundary of the subject property must be retained in-situ;
 - b. The original 1846 stone foundations of the Cemetery Keeper's House (1259 South Park Street) must be retained in-situ and daylighted (made visible to the public);
 - c. Interpretive signage explaining the heritage significance of the foundations must be installed by the applicant near the foundations;
 - d. Any columbaria or other structures to be erected on the property must be built within and/or around the foundations without removing or unduly obscuring the foundations; and

RECOMMENDATION CONTINUES ON PAGE 2

- e. The applicant must comply with Schmitville HCD By-law requirements for a Certificate of Appropriateness for any new buildings or structures, including columbaria; and,
3. Direct the Heritage Officer to issue a Certificate of Appropriateness in accordance with the Schmitville Heritage Conservation District Plan and By-law for the demolition of the contributing heritage resource.

BACKGROUND

Heritage Advisory Committee received a supplementary staff recommendation report dated September 20, 2024 to consider demolition of a Municipally Registered Heritage Property at 1259 Park Street, Halifax.

For further information refer to the attached supplementary staff report dated September 20, 2024.

DISCUSSION

Heritage Advisory Committee considered the supplementary staff report dated September 20, 2024 and approved the recommendation to Halifax Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

Financial implications are outlined in the attached supplementary staff report dated September 20, 2024.

RISK CONSIDERATION

Risk consideration is outlined in the attached supplementary staff report dated September 20, 2024.

COMMUNITY ENGAGEMENT

The Heritage Advisory Committee is comprised of nine 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 supplementary staff report dated September 20, 2024.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are outlined in the supplementary staff report dated September 20, 2024.

ALTERNATIVES

Alternatives are outlined in the attached supplementary staff report dated September 20, 2024.

LEGISLATIVE AUTHORITY

Legislative Authority is outlined in the attached supplementary staff report dated September 20, 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:
 - (a) the inclusion of buildings, public building interiors, streetscapes, cultural landscapes or areas in the Registry.

ATTACHMENTS

Attachment 1 – Supplementary staff recommendation report dated September 20, 2024.

Attachment 2 – Extract from the October 8, 2024 Heritage Advisory Committee Meeting Draft Minutes

Attachment 3 – Staff report dated January 31, 2024

Report Prepared by: Simon Ross-Siegel, Legislative Assistant, Municipal Clerk's Office 902.292.3962



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 9.1.4
Heritage Advisory Committee
October 8, 2024

TO: Chair and Members of the Heritage Advisory Committee

FROM: Cathie O'Toole, Chief Administrative Officer

DATE: 09-20-2024

SUBJECT: HRTG-2023-00650 – [Supplementary Report] Proposed Demolition of a Municipally Registered Heritage Property at 1259 South Park Street, Halifax

SUPPLEMENTARY REPORT

ORIGIN

February 27, 2024 Heritage Advisory Committee motion (item 9.1.3):

MOVED by Councillor Hendsbee, seconded by Councillor Lovelace

THAT the Heritage Advisory Committee recommend that Regional Council:

1. To refuse the application by the Archdiocese of Halifax-Yarmouth under the Heritage Property Act to demolish the registered heritage property at 1259 South Park Street, Halifax; and
2. To refuse the associated application under the Schmidt Ville Heritage Conservation District Plan and By-law for a Certificate of Appropriateness for the demolition of a contributing heritage resource.

MOTION PUT AND PASSED

March 19, 2024 Regional Council motion (Item No. 15.4.4):

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Regional Council set a public hearing date to consider the proposed demolition of the registered heritage property and contributing heritage resource at 1259 South Park Street, Halifax, in accordance with Attachment G of the staff report dated January 31, 2024 and By-law H-700 (the Schmidville Heritage Conservation District By-law).

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Item 15.4.4 HRTG-2023-00650 – Proposed Demolition of a Municipally Registered Heritage Property at 1259 South Park Street, Halifax be deferred to a future meeting Regional Council pending a

supplementary report regarding the process and implications to restore the property at 1259 South Park to Holy Cross Cemetery and rezoning the property to PCF.

MOTION TO DEFER PUT AND PASSED UNANIMOUSLY.

EXECUTIVE SUMMARY

- This report provides information regarding the need, process, and implications of restoring (i.e. consolidating) the subject property at 1259 South Park Street, Halifax (The Cemetery Keeper's House) to the surrounding Holy Cross Cemetery lands and rezoning the property to Parks and Community Facilities (PCF) zone.
- This report also addresses the applicant's amended application for demolition of a registered heritage property / contributing heritage resource, which now proposes demolition with conditions for the partial conservation and re-use of the property, including the conservation of the northern stone masonry wall and the conservation, daylighting, and interpretation of the 1846 stone foundations of the Cemetery Keeper's House.
- In consideration of these amendments, staff's recommendation for this demolition application has changed from recommending refusal, to recommending approval with conditions.

RECOMMENDATION

It is recommended that Heritage Advisory Committee:

1. Rescind the motion passed on February 27, 2024 as item 9.1.3.
2. Recommend that Halifax Regional Council:
 - a) Set a public hearing date to consider the proposed demolition of the registered heritage property and contributing heritage resource at 1259 South Park Street, Halifax, in accordance with Attachment G of the staff report dated January 31, 2024 and By-law H-700 (the Schmidtville Heritage Conservation District By-law);
 - b) After the public hearing, approve the application by the Archdiocese of Halifax-Yarmouth under the *Heritage Property Act* to demolish the registered heritage property at 1259 South Park Street, Halifax, subject to the following conditions:
 - i. The stone masonry wall on the northern boundary of the subject property must be retained in-situ;
 - ii. The original 1846 stone foundations of the Cemetery Keeper's House (1259 South Park Street) must be retained in-situ and daylighted (made visible to the public);
 - iii. Interpretive signage explaining the heritage significance of the foundations must be installed by the applicant near the foundations;
 - iv. Any columbaria or other structures to be erected on the property must be built within and/or around the foundations without removing or unduly obscuring the foundations; and
 - v. The applicant must comply with Schmidtville HCD By-law requirements for a Certificate of Appropriateness for any new buildings or structures, including columbaria; and,

- c) Direct the Heritage Officer to issue a Certificate of Appropriateness in accordance with the Schmidville Heritage Conservation District Plan and By-law for the demolition of the contributing heritage resource.

BACKGROUND

The Cemetery Keeper's House (1259 South Park Street, Halifax) was added to the municipal registry of heritage properties in 1982. When the Schmidville Heritage Conservation District (HCD) was established in 2018, the Cemetery Keeper's House was additionally identified as a contributing heritage resource for the district. The Cemetery Keeper's House has housed successive generations of cemetery superintendents since its construction in 1846. The house has remained vacant since 2015, as the present cemetery superintendent does not require lodging, and the house has significantly deteriorated from disuse.

Considering the house's deteriorated state, its limited utility to the property owner, and the high cost to rehabilitate it to a habitable standard, the applicant has applied to demolish the registered heritage property / contributing heritage resource. Staff previously brought forward a report dated January 31, 2023 to the Heritage Advisory Committee and Regional Council recommending the refusal of this application to demolish. On February 27, 2024, Heritage Advisory Committee recommended that Regional Council refuse the application to demolish. On March 19, 2023, at first reading, Regional Council deferred the motion to set a public hearing and requested a supplementary report addressing questions regarding rezoning and consolidation / subdivision. Since that deferred motion, HRM staff have worked with the applicant to develop an approach for the partial conservation and re-use of the registered heritage property / contributing heritage resource, and the applicant has accordingly amended their demolition application to include conditions to that effect (see Attachment A). In addition to addressing the questions raised by Regional Council at first reading, this supplementary report will address the amended scope and nature of the applicant's demolition application.

To consider the amended demolition application, Heritage Advisory Committee must rescind the previous motion that recommended that Regional Council refuse the demolition application.

DISCUSSION

Rezoning:

The subject property is presently zoned Schmidville Heritage Conservation District (HCD-SV) under the Regional Centre Land Use By-law (RC-LUB). As outlined in Table 1D of said Land Use By-law, the HCD-SV zone permits religious institution use, among other uses. Religious institution use is defined in the RC-LUB as follows:

***Religious Institution Use** means a place of worship, a place of religious gathering, or a columbarium, including accessory uses that are on-site, such as a rectory, a convent, a private school, a meeting hall, offices for administration of the institution, a daycare use, and a shelter use.*

Whereas the present zoning of HCD-SV permits a columbarium use as-of-right under the definition of religious institution use, staff find that the rezoning of the subject property is not required to enable the columbarium use desired by the applicant.

If the applicant were to apply for and successfully rezone the property to Parks and Community Facilities (PCF) to match the abutting Holy Cross Cemetery property, it would not remove the subject property from the Schmidville Heritage Conservation District, and the property would still be subject to the requirements of the Schmidville HCD Plan and By-law. In addition to the columbarium use already permitted under the existing HCD-SV zoning, PCF zoning would permit cemetery use, such as use of the land for burials of the dead and accessory purposes (excluding crematorium use). However, this is not necessary to enable the desired columbarium use.

Consolidation / Subdivision:

The subject property (1259 South Park Street) is located directly abutting the Holy Cross Cemetery property (1249 South Park Street) and historical mapping suggests that it was originally part of the cemetery grounds conveyed to trustees on behalf of Halifax's Roman Catholic population in 1843 by an Act of Assembly (see Attachment B). Historical mapping also shows the subject property was subdivided from the greater cemetery lot sometime between 1914 and 1918. It remained a separate and distinct lot from the neighbouring cemetery at the time of its municipal heritage registration in 1982 and into the present.

The applicant may, if they so wish, apply for subdivision to consolidate the subject property with the abutting Holy Cross Cemetery property or to adjust the property boundaries. Consolidation or boundary adjustment of these two lots is not required to enable the desired columbarium use and will not impact the zoning of either lot as the zoning boundaries remain unchanged by subdivision. As with rezoning, the consolidation or boundary adjustment of the subject property and the neighbouring cemetery property would not remove the subject property from the Schmidville Heritage Conservation District, and the property would still be subject to the requirements of the Schmidville HCD Plan and By-law. The consolidation or boundary adjustment of these two properties would also not negatively impact their status as registered heritage properties.

Amended Demolition Application:

In consultation with HRM heritage planning staff, the applicant has explored options for partial conservation and adaptive re-use of the registered heritage property / contributing heritage resource. In the time since Regional Council's motion requesting this supplementary report, the applicant has amended their demolition application via a letter submitted to the Municipality on August 21, 2024 (see Attachment A). This letter establishes a series of conditions to which the applicant is prepared to commit, in order to secure the support of HRM staff and Regional Council in this demolition application. Council is enabled by Section 17 of the *Heritage Property Act* to approve an application for demolition of a registered heritage property with conditions. The conditions proposed by this amended demolition application constitute a partial conservation, interpretation, and re-use approach for the Cemetery Keeper's House. Such an approach is generally used as a last resort for heritage resources which cannot be conserved and adaptively re-used in whole.

The Cemetery Keeper's House was originally a small, 1-storey home in the vernacular style, with a square plan and hipped roof (see Figure 1). The home was greatly modified and expanded in the 1910s, becoming the two-storey, Late Victorian plain style dwelling it remains today. The partial conservation approach proposed (see Figure 2) would see the applicant retain and conserve the property's most historically valuable character-defining elements, including the mid-1800s stone masonry wall running along the northern bound of the property, and the original 1846 stone foundations, while demolishing the rest of the building whose character-defining elements date from the 1910s renovation. The applicant would infill the basement with dirt, preserving the foundations in-situ and daylight the tops of these foundations, so they may be viewed by the public. The applicant would also install interpretive signage next to the daylighted foundations explaining their significance and the history of the cemetery. The historical foundations would remain as a landscape element around which a new columbarium use could be constructed.



Figure 2: A 3D model providing a conceptual example of how the 1846 stone foundations and the northern stone masonry wall can be sensitively incorporated into the design of a new columbarium. *Note:* Conceptual only; not a final design proposal.

1843 Act of Assembly and Limited Adaptive Re-Use Potential:

While it is atypical for heritage planning staff to recommend the approval of a demolition application in response to the poor condition of a registered heritage property / contributing heritage resource, there is a unique legislative context surrounding this application, which lends justification for such an approach.

The General Assembly of the Province of Nova Scotia (Legislative Assembly) established Holy Cross Cemetery by an Act of Assembly in 1843 (see Attachment B). This Act, which directed the conveyance of lands formerly of the Halifax Common to the trustees for Halifax's Roman Catholic population, restricts the landowner from using these lands for non-cemetery uses. The terms of this Act of Assembly remain in-effect today and thus hinder the property owner's ability to adaptively re-use the Cemetery Keeper's House as a residence, commercial office, or other income-generating non-cemetery use that might financially support the significant expense of its total rehabilitation from its present state.

Conclusion:

Given the Cemetery Keeper's House's poor condition, its limited potential for adaptive re-use due to the 1843 Act of Assembly, and the extensive modification of the house from its original 1846 vernacular form and style to its present c.1910s form and style, staff find that the proposed approach of partial conservation and interpretation as well as the proposed new columbarium use to be an appropriate mitigative strategy which respects the significant heritage value of the original 1846 foundations and the stone masonry wall running the northern bound of the property. This columbarium use is permitted as-of-right, without any requirement for rezoning or subdivision. Staff therefore recommend approval of this demolition application with conditions, as laid out in the recommendations section of this report, to ensure that the proposed partial-conservation, interpretation, and re-use measures are carried out.

FINANCIAL IMPLICATIONS

No financial implications were identified.

RISK CONSIDERATION

No risk considerations were identified.

COMMUNITY ENGAGEMENT

A Public Information Meeting was held June 7th, 2023, at Halifax Hall in City Hall. Notes from this public information meeting and public submissions received at this meeting can be found in Attachment I and Attachment H of the original staff report dated January 31, 2024.

A Public Hearing to consider the proposed demolition of the registered heritage property and contributing heritage resource at 1259 South Park Street, Halifax, shall be held by Regional Council in accordance with Attachment G of the original staff report dated January 31, 2024 and By-law H-700 (the Schmidtville Heritage Conservation District By-law).

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. The Heritage Advisory Committee could choose to recommend that Regional Council refuse the

application under the *Heritage Property Act* to demolish the registered heritage property at 1259 South Part Street, Halifax; **and** refuse the associated application under the Schmitville Heritage Conservation District Plan and By-Law for a Certificate of Appropriateness for the demolition of a contributing heritage resource.

2. The Heritage Advisory Committee could choose to recommend that Regional Council approve (without conditions) the application under the *Heritage Property Act* to demolish the registered heritage property at 1259 South Part Street, Halifax; **and** approve the associated application under the Schmitville Heritage Conservation District Plan and By-Law for a Certificate of Appropriateness for the demolition of a contributing heritage resource.

LEGISLATIVE AUTHORITY

The *Heritage Property Act* of Nova Scotia, Sections 17 (Approval to alter or demolish municipal heritage property) and 18 (Consideration by municipality of application to alter or demolish).

ATTACHMENTS

Attachment A – Letter from Applicant Amending their Application

Attachment B – 1843 Act of Assembly Establishing Holy Cross Cemetery

Report Prepared by: Carter Beaupre-McPhee, Planner III – Heritage, Phone # 902.719.9604

Attachment A: Letter from Applicant Amending their Application



Archdiocese of | Archidiocèse d'
Halifax-Yarmouth

1559 Brunswick Street, Suite 101, Halifax, Nova Scotia, B3J 2G1
Tel. (902) 429-9800 | Fax. (902) 423-5201

August 21, 2024

Halifax Regional Municipality
5251 Duke Street, Suite 330
Halifax, NS B3J 3S1

Attn: Carter Beaupre-McPhee, LPP, MCIP, CAHP

1259 South Park Street, Halifax – Demolition Application

Dear Carter;

As per our previous communication, on behalf of the Archdiocese Halifax Yarmouth, I am applying for a demolition permit for the dilapidated house at 1259 South Park Street, Halifax. Please note that the following conditions will apply to the work in question.

- The stone wall on the northern line of the property will not be disturbed due to its historic relevance. **A surveyor has been retained to identify the owner of this wall.**
- That the original 1846 stone foundations of the cemetery keeper's house (1259 South Park St) will be retained and daylighted in order to make it visible to the public.
- Interpretive signage explaining the heritage significance of the foundations be installed near the foundations.
- That any columbaria or other structures to be erected on the property be built within and/or around these foundations without removing or unduly obscuring the foundation.
- A design plan will be developed and submitted for applicant in accordance with the above.

Yours truly,



John Kennedy, CPA, CMA
Financial Administrator
Roman Catholic Episcopal Corporation of Halifax

ACTS

OF

THE GENERAL ASSEMBLY

OF THE

PROVINCE OF NOVA-SCOTIA.

1843.

HALIFAX:

PRINTED AT THE ROYAL GAZETTE OFFICE.

there held for three days; and be thence adjourned to some central and convenient place at Brookfield, and be there held for three days; and be thence adjourned to some fit and convenient place at Port Mutton, and be there held for three days.

TOWNSHIP OF LIVERPOOL.

The Poll shall be opened at the Court House in Liverpool, and there be continued for the space of four days; and be thence adjourned to some fit and convenient place at Port Medway, and be there held for two days.

Township of Liverpool

COUNTY OF DIGBY.

The Poll shall be opened at the Court House in Digby, and be there continued for the space of four days; and be thence adjourned to some central and convenient place near the Church at Weymouth, there to be continued for the space of two days; and be thence adjourned to some central and convenient place near the Chapel at Montegan, and be there continued for the space of four days.

County of Digby

TOWNSHIP OF DIGBY.

The Poll shall be opened at the Court House at Digby, and be there continued for the space of four days; and be thence adjourned to some central and convenient place near the Church at Weymouth, and be there continued for two days.

Township of Digby

TOWNSHIP OF LUNENBURG.

The Poll for the Township of Lunenburg, shall be opened at Lunenburg, at the same time as the Poll for the said County, and be there continued open for the space of four days only, unless sooner closed by operation of the Law now in force.

Township of Lunenburg

II *And be it enacted,* That all such parts or portions of the said Act hereby amended, which relate to the times and places of holding Polls for Elections, for the several Counties and Townships within this Province, hereinbefore specified and enumerated, shall be, and the same are hereby repealed, but all other the provisions and enactments of the said Act, shall extend to any Election for such respective Counties and Townships, in the same manner as if the times and places hereby established for holding the Poll for any such Election had been, and were originally inserted in the said Act hereby amended.

Former Acts repealed

CAP. XXXVI.

An Act in further addition to and amendment of the several Acts now in force concerning Cemeteries or Burial Grounds in the Town of Halifax.

Passed the 29th day of March, 1843.

WHEREAS the Deed contemplated by the Act, passed in the second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act additional to, and in further amendment of, the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, to be made by the respective Officers of Her Majesty's Ordnance Department at Halifax, to convey to the Commissioners of Public Cemeteries in Halifax, a certain piece of Land bounded on the east by Fort Massey, extending westwardly across the Brook running from the Common to Fresh Water Bridge, has never been executed by such Officers although the conveyance of Land in lieu thereof hath been completed by the said Commissioners, and the respective Officers of Her Majesty's Ordnance Department have taken possession of the same, by virtue thereof, to the use of our Sovereign Lady the Queen, in accordance with the said Act; and it is proper for perfecting the exchange of Lands in the said Act mentioned, and the object of this Act, that the said piece of Land should be conveyed to and vested in, the City of Halifax.

Preamble

2 Vol. 9. 25

Weymouth Hill

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the respective Officers of Her Majesty's Ordnance Department at Halifax, for the time being, by any Deed to be made and executed by such Officers therein particularly to describe, convey and assure, to the Corporation of Halifax, by the

Respective Officers of Ordnance to convey a certain piece of land near Fort name

Massey to the
City of Halifax

name of the City of Halifax, the said piece of land near Fort Massey, in fee simple, in consideration of the land so conveyed by the said Commissioners to Her Majesty as aforesaid; and the same land, near Fort Massey, shall immediately vest in, and be possessed by, the said Corporation, and thereafter be under and subject to the regulation, direction, management, and control of the City Council, to and for the purposes hereinafter mentioned respecting the same.

And whereas the Committee of Cemeteries appointed under the Act to Incorporate the Town of Halifax, have, upon careful examination, ascertained that the said piece of land, near Fort Massey, is not adequate or the most eligible for a general Cemetery for the said City.

And whereas the respective officers of Her Majesty's Ordnance Department are willing to accept an absolute Conveyance of that part of the said land which includes the present Military Burial Ground, with an addition equal to the contents of a road to be taken off the north side thereof, of thirty feet wide, and to erect and sustain the fences around the same, in lieu of a portion of the public Cemetery which by the Acts in force relating to Cemeteries, was directed to be appropriated for the purpose of a burial place for the military.

And whereas the Congregation of Saint Mary's have applied for a part of the said land, as a Cemetery for the exclusive use of the Roman Catholic portion of the citizens of Halifax, and have also agreed to erect and sustain the fences around the same, in lieu of the portion to which they would be entitled in the General Cemetery:

City of Halifax on the Execution of deed from the officers of Ordnance to convey part of the land at Fort Massey to them for a Military burial ground

II. *Be it therefore enacted*, That when and so soon as such Deed or Conveyance of the said land near Fort Massey, shall have been executed by the respective Officers of Her Majesty's Ordnance Department at Halifax, to the City of Halifax, as aforesaid, it shall and may be lawful for the said City of Halifax, by Deed, signed by the Mayor, under the Seal of the said City, to convey and assure to the principal Officers of Her Majesty's Ordnance Department, in fee simple, the said Military Burial Ground, part of the said land, except such road, and with such addition as aforesaid, for the purpose of a place of Interment or burial for the Military; and which Deed shall effectually in Law convey and assure to the said principal Officers for such use, for ever, the land hereby directed to be conveyed thereby, when and so soon as such Deed shall be accepted and received by the respective Officers of the said Department at Halifax, or some or one of them for such purpose.

Proviso

III. *Provided always, and be it enacted*, That such conveyance, when accepted and perfected, shall be, and be taken and held to be, a full performance of all the directions contained in the said Acts relating to Cemeteries, and each of them, for the laying off of a portion of the Public Cemetery for the purpose of a place of Burial for the Military, or as and for a just and satisfactory equivalent for such right.

Further proviso

And provided also, That the City of Halifax, or any Commissioners of Cemeteries heretofore in office, or the present, or any future Committee of Cemeteries, or other persons who may have the charge or care of the Public Cemeteries of the said City, shall not be bound or liable to erect or sustain the fences around the land so to be conveyed for a Military Burial Ground, or to contribute to the expense or charge thereof.

City of Halifax to convey to Trustees for the Roman Catholics a piece of land at Fort Massey

IV. *And be it enacted*, That when and so soon as such Deed or Conveyance of the said land shall have been executed by the respective Officers of Her Majesty's Ordnance Department at Halifax, to the City of Halifax as aforesaid, it shall and may be lawful for the said City of Halifax, by Deed, signed by the Mayor, under the Seal of the said City, to convey and assure to Trustees on behalf of the Roman Catholic population of the said City, for the exclusive purpose of a Cemetery, so much as shall be adequate and satisfactory of the said land lying between the said Military Burial Ground and a certain Brook to the westward running through the said land, not exceeding four and a half acres, so as not at any part to extend westward so far as to reach within thirty feet of the said Brook.

Proviso

Provided always, That the said portion of the land aforesaid so to be assigned to Trustees as aforesaid, shall not be used for any other purpose than as a Cemetery or Burying Ground as aforesaid, and shall be fenced in, ornamented with Trees, and otherwise beautified by Saint Mary's Congregation or the Roman Catholic citizens as aforesaid, at their own expense and charge.

And

And provided also, That the said Cemetery shall at all times be open and subject to a general supervision of the Committee of Cemeteries for the said City, and to such rules and regulations as they or the City Council may from time to time make and ordain, to apply generally to all the Cemeteries of the said City: *Provided also,* that a certain Drain, Water Course or Sewer, passing through the said piece of ground, and necessary for draining the land and building grounds lying to the northward thereof, or otherwise contiguous thereto, shall at all times be kept free, open and unobstructed, by the said Trustees and their Successors, at their expense or the expense of the Roman Catholic Congregations of the said City.

V. *And provided always, and be it enacted,* That such Conveyance when accepted and perfected, shall be, and be taken and held to be, a full performance of all the directions contained in the said Acts relating to Cemeteries, and each of them, for the laying off of a portion of the Public Cemetery for the purpose of a place of Burial for the Roman Catholic Congregation of the said City, or as and for a just and satisfactory equivalent for such right: *And provided also,* that the City of Halifax, or any Commissioners of Cemeteries heretofore in office, or the present or any future Committee of Cemeteries, or other persons who may have the charge or care of the Public Cemeteries of the said City, shall not be bound or liable to erect or sustain the fences around the land so to be conveyed for a Roman Catholic Burial Ground, or to contribute to the expense or charge thereof.

VI. *And be it enacted,* That the remainder of the said piece of land near Fort Massey, together with the Brook thereon, so to be conveyed by the said Officers of the Ordnance Department to the City of Halifax as aforesaid, shall remain in the said City of Halifax, under the direction, management, and control of the City Council, to and for the use and benefit of the said City, as part of the Real Estate thereof.

And whereas, that part of the Common of Halifax, hereinafter next described, has, after due examination, been selected for the purposes of a general Cemetery or Burial Ground for the use of the Parishes, Congregations, and Citizens of Halifax aforesaid, that is to say—All that piece of Land, bounded as follows, that is to say—beginning at the north-west corner of a piece of land formerly taken from the Common, and laid out into lots known by the name of the Spring Garden Lots, and bounded on the west side by a line running from thence northerly along the east side of a highway, which, at the said place of beginning, lies between the said Common and land of the late Chief Justice Blowers, to a point immediately opposite the north-east corner of the land of the said late Chief Justice Blowers, where the said highway is intersected by a highway leading thence to the North-west Arm, and bounded on the north side by a line running easterly from the last mentioned point, on a course parallel with the rear line of the said Spring Garden lots, until it shall meet or intersect the east side line hereinafter mentioned, of the land hereby now being described, and bounded on the south side by the rear line of the said Spring Garden lots, running from the first mentioned place of beginning to the eastward across one of the Spring Garden roads, and thence along the said rear line to another of the said Spring Garden roads, or the north-east corner of the Spring Garden lot, formerly held by one James Smith, now occupied by one Robert Smith, and bounded on the east side by a line or a course in continuation of the east side line of the last mentioned Spring Garden lot, and paralld with the west side line hereinbefore mentioned, of the land now under description, until it shall meet or intersect the north side line hereinbefore described.

VII. *And be it enacted,* That immediately after the passing of this Act, it shall and may be lawful for the Committee of Cemeteries to take possession of the said last described piece of land; and the same shall thenceforth vest in the City of Halifax, and be and remain in the custody and under the management and control of the City Council, or the Committee of Cemeteries, for the said City, for the time being, in the same manner, for the same purposes, and to the same intent, as if such piece of land had been originally described and inserted in the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act concerning Cemeteries or Burial Grounds for the Town of Halifax, instead of the piece of land therein described and appropriated for a Public Cemetery; and that the said Act, and all Acts in amendment thereof, or such parts of the same as remain in force, shall continue to be in force, and fully apply to the land

Proviso

The lot conveyed to the Roman Catholics to be an equivalent for any land conveyed to them by former Act

City of Halifax do not to fence the Roman Catholic Burial Ground

Remainder of the land at Fort Massey to be held by the City

Bounds of the General Cemetery

The General Cemetery to vest in the City and to be under the control of the City Council

Proviso

land now selected and herein appropriated as aforesaid, except as the same shall or may be altered or affected by this Act: *Provided*, that no part of the land herein last described and hereby intended to be set off, appropriated, and used as and for a Public Cemetery, shall be subject or liable to be appropriated, set apart, or used as, or for a Military Burial Ground, or as or for a Roman Catholic Burial Ground, or place of Interment, the said respective Officers of Her Majesty's Ordnance, and the Roman Catholic portion of the citizens of Halifax, having respectively chosen, to have and use the separate allotments for Cemeteries hereinbefore provided, in preference to receiving any appropriation or distinct portion of the said Public Cemetery, for the use of the Military or the Roman Catholics respectively.

A road to be laid off adjoining the east side of the Cemetery

VIII. *And be it enacted*, That there shall be taken from the said Common, and laid off, a public road or highway, adjoining and along the east side of the said Public Cemetery, or last described piece of land, being of the same width, and in continuation of the Spring Garden road which runs between the said lot formerly occupied by James Smith, and now occupied by one Robert Smith, and the Spring Garden lot, formerly owned by Thomas Wallace, and now used as a vegetable garden, and also as public road or highway adjoining and along the north side of the said Public Cemetery, or last described piece of land, of the same width, and which said roads or highways shall be forever hereafter kept free, open and common, for the use of all Her Majesty's subjects, and subject to all such management, supervision and care, as other highways in or through the said City or the suburbs thereof.

Preamble

And whereas, it is believed that a part of the said highway to be laid out on the north side of the said Public Cemetery will encroach upon that part of the said Common which was heretofore conveyed to the use of Her Majesty, in exchange for the said land near Fort Massey; and the respective Officers of Her Majesty's Ordnance, at Halifax, have agreed that so much thereof as may be required for such highway, may be taken for the purpose of such highway, in consideration that an equal quantity of land shall be taken from the Common and added to the said land of Her Majesty, on the north side thereof.

An equivalent to be given the Ordnance for a piece of Land to be taken from them for the road

IX. *Be it therefore enacted*, That it shall and may be lawful for the respective Officers of Her Majesty's Ordnance at Halifax, for the time being, or some or one of them, by any Deed or Deeds, under their or his hands and seals, to convey and assure to the City of Halifax, for the purpose of such highway, so much of the said land of Her Majesty off the south side thereof as may be necessary for such highway, and for the said City of Halifax, by Deed, under the hand of the Mayor and seal of the said City, to convey and assure to Her Majesty, or to Her Majesty's principal Officers of Ordnance in Great Britain, so much of the Common of Halifax lying to the north of the said land of Her Majesty as shall in size and quantity be similar and equal to such part thereof as shall so be conveyed in exchange as aforesaid; and the said Deed shall respectively be and enure in Law as, and for a full and absolute Conveyance, in fee simple, for the respective purposes aforesaid.

CAP. XXXVII.

An Act for setting off a part of the Township of Egerton as a separate District for the support of the Poor.

Passed the 29th day of March, 1843.

Preamble

WHEREAS the Inhabitants of the Township of Egerton are desirous that the Albion Mines, and all that part of the Township included within the limits hereinafter mentioned, should be set off as a separate District for the support of the Poor, and the same would be attended with many conveniences and advantages to the said Inhabitants generally:

Township of Egerton to be set off as a separate District

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That all that part of the Township of Egerton lying within the limits following, that is to say—to be bounded on the north by the upper or south line of William Frazer's (Og's) land, on the west by the division

Extract of Heritage Advisory Committee Draft Minutes – October 8, 2024

9.1.4 Case HRTG-2023-00650 – [Supplementary Report] Proposed Demolition of a Municipally Registered Heritage Property at 1259 South Park Street, Halifax

The following was before the Committee:

- Supplementary staff report dated September 20, 2024
- Staff report dated January 31, 2024
- Staff presentation dated October 8, 2024

Brian MacDonald was recused from the meeting during consideration of this item having declared a conflict of interest in the matter, as a volunteer for the Holy Cross Cleanup Crew and a chair of a committee of the Archdiocese. Brian MacDonald stepped down from the Chair and Tyler Brothers assumed the Chair.

Carter Beaupre-McPhee, Planner III gave a presentation and responded to questions of clarification from the Committee.

MOVED by Councillor Hendsbee, seconded by Danielle McCabe

THAT the Heritage Advisory Committee:

- 1. Rescind the motion passed on February 27, 2024 as item 9.1.3; and,**
- 2. Recommend that Halifax Regional Council:**
 - a. Set a public hearing date to consider the proposed demolition of the registered heritage property and contributing heritage resource at 1259 South Park Street, Halifax, in accordance with Attachment G of the staff report dated January 31, 2024 and By-law H-700 (the Schmidtville Heritage Conservation District By-law);**
 - b. After the public hearing, approve the application by the Archdiocese of Halifax-Yarmouth under the Heritage Property Act to demolish the registered heritage property at 1259 South Park Street, Halifax, subject to the following conditions:**
 - i. The stone masonry wall on the northern boundary of the subject property must be retained in-situ;**
 - ii. The original 1846 stone foundations of the Cemetery Keeper's House (1259 South Park Street) must be retained in-situ and daylighted (made visible to the public);**
 - iii. Interpretive signage explaining the heritage significance of the foundations must be installed by the applicant near the foundations;**
 - iv. Any columbaria or other structures to be erected on the property must be built within and/or around the foundations without removing or unduly obscuring the foundations; and**
 - v. The applicant must comply with Schmidtville HCD By-law requirements for a Certificate of Appropriateness for any new buildings or structures, including columbaria; and,**
 - c. Direct the Heritage Officer to issue a Certificate of Appropriateness in accordance with the Schmidtville Heritage Conservation District Plan and By-law for the demolition of the contributing heritage resource.**

Attachment 2

Beaupre-McPhee responded to questions of clarification from the Committee. Beaupre-McPhee clarified that a condition of approval would include the installation of an interpretive panel regarding the architectural features of the historical structure. The design of a new columbarium would be subject to review by heritage staff, and staff would require a design which did not unduly obscure the original foundations. Beaupre-McPhee clarified that few if any of the original heritage assets within the structure were salvageable due to wood rot and other damage, and adding additional conditions would require the matter to return to staff for further negotiations with the property owner.

MOTION PUT AND PASSED.

Brian MacDonald rejoined the meeting at this time and resumed the Chair.



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

Item No.9.1.4(i)
Heritage Advisory Committee
February 27, 2024
October 8, 2024

TO: Chair and members of the Heritage Advisory Committee

SUBMITTED BY: Original Signed

John Traves, K.C., Acting Chief Administrative Officer

DATE: January 31, 2024

SUBJECT: **HRTG-2023-00650 – Proposed Demolition of a Municipally Registered Heritage Property at 1259 South Park Street, Halifax**

ORIGIN

Application by the property owner, The Archdiocese of Halifax-Yarmouth, to demolish the municipally registered heritage property at 1259 South Park Street, Halifax (Cemetery Keeper’s House), located within the Schmidville Heritage Conservation District.

LEGISLATIVE AUTHORITY

The *Heritage Property Act of Nova Scotia*, Sections 17 (Approval to alter or demolish municipal heritage property) and 18 (Consideration by municipality of application to alter or demolish).

RECOMMENDATIONS

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

1. Refuse the application by the Archdiocese of Halifax-Yarmouth under the *Heritage Property Act* to demolish the registered heritage property at 1259 South Park Street, Halifax; and
2. Refuse the associated application under the Schmidville Heritage Conservation District Plan and By-law for a Certificate of Appropriateness for the demolition of a contributing heritage resource.

BACKGROUND

The Cemetery Keeper's House is a municipally registered heritage property located at 1259 South Park Street, Halifax (see Map 1). It was registered in 1982 as part of a streetscape registration encompassing the properties fronting on South Park Street between Morris Street and Holy Cross Cemetery. The evaluation comments for this streetscape registration describe a grouping of five Queen Anne buildings toward Morris Street and two Second Empire buildings which form a transition to a "simple bracketed dwelling" at the end of the streetscape, referring to the Cemetery Keeper's House (see Attachment A). The Cemetery Keeper's House is located within the Schmidville Heritage Conservation District (HCD) and is identified as a Contributing Heritage Resource (see Map 2).

The house has been under the Archdiocese of Halifax-Yarmouth's (Roman Catholic Episcopal Corp.'s) ownership from its construction to present day, and it is valued primarily for its age (c.1846), being the oldest building in the registered streetscape, and for its associations as the residence for Holy Cross Cemetery's many successive caretakers/superintendents. The property was substantially modified around the late 1800s / early 1900s to expand the building, taking the form of a Late-Victorian Plain style dwelling. The applicant / property owner has provided their rationale for the demolition request as set out in Attachment B, and the property appears to have been left vacant since at least 2017, when the applicant's condition report was drafted.

Application Scope:

The heritage value of this municipal heritage property is embodied in both the heritage building itself and in the stone masonry wall running along the northern boundary of the property. The applicant has provided written confirmation (see Attachment C) that the scope of this demolition application is limited to the Cemetery Keeper's House and the applicant is not proposing to demolish the stone masonry wall.

Heritage Value:

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."

The Cemetery Keeper's House was built in 1846 by local carpenter Rowland Eustace as a residence for the cemetery's Sexton, William F. Stoker, who administered and maintained the cemetery. The originally one-storey residence was altered and expanded in the late 1800s / early 1900s, becoming a two-storey, Late-Victorian Plain style dwelling, which continued to house successive cemetery keepers. The heritage value of this property derives principally from its age and associations, rather than its architectural merit. A more comprehensive summary of the property's heritage value and a list of character-defining elements is provided in Attachment D.

Structural Condition:

HRM seeks to review the present structural condition of heritage properties when they are at risk of demolition. As part of the demolition application review process, staff conducted a site visit with a HRM Building Official to assess the condition and structural integrity of the property. This report is provided in Attachment E.

Demolition Application Review Process:

Under the *Heritage Property Act*, this application is being considered concurrently with an application for a Certificate of Appropriateness for the demolition of a Contributing Heritage Resource under the Schmidville Heritage Conservation District Plan and By-law (see Attachment F). The *Heritage Property Act* requires that HRM refer an application for demolition of a municipal heritage property to the Heritage Advisory Committee and Regional Council. HRM maintains a procedure for such applications that was applied in this case, as outlined in Attachment G.

DISCUSSION

Visual inspection of the property suggests that the layout and basic design of the building remains largely unchanged from the major modifications carried out around the late 1800s / early 1900s. Many character-defining elements remain intact, such as the protruding front and side porches, three-bay front façade, three-over-one wood-frame windows, near-flat roof, large central brick chimney, and stone masonry northern wall. The original stone foundations dating from the c.1846 single-storey structure also remain present. The 1982 registration comments describe 1259 South Park Street as a “simple, bracketed dwelling”. This description is consistent with the Late Victorian Plain style of the late 1800s / early 1900s modification and expansion of the structure. Together with the prominent front overhang at the roofline (see Attachment A, Figure 12), this would suggest that there was some form of decorative bracketed cornice which has since been lost. The building is also clad in modern cladding materials. The Cemetery Keeper’s House exhibits a moderate level of heritage integrity (the degree to which a heritage property retains its heritage value and character defining elements) with some original 1846 character-defining elements and many late 1800s / early 1900s character-defining elements still present.

The building’s condition is generally poor, as it has evidently been left vacant for many years. The applicant has submitted their own Condition Report for 1259 South Park Street, carried out in August 2017 and unattributed (see Attachment B), which asserts the building is beyond repair. An HRM Building Official conducted an inspection of the Cemetery Keeper’s House at 1259 South Park Street on May 31st, 2023, and completed a Structural Integrity Report (see Attachment E) based on this inspection. The conclusion of the Building Official’s Structural Integrity Report is that “repairing this structure would require an extensive amount of work, however the building could be repaired.”

If this demolition application is denied, the applicant may explore complete or partial conservation and adaptive-reuse options through the Substantial Alterations application process and elements of these options could be eligible for grant funding. Council’s decision on this application for demolition of a registered heritage property is not appealable under the *Heritage Property Act*. The associated decision on the certificate of appropriateness for demolition under the Schmitville HCD By-law is appealable to the Nova Scotia Utility and Review Board (NSUARB). Also, while Section 18 of the *Heritage Property Act* allows a property owner to proceed with demolition three years after a refusal by the municipality, the Schmitville HCD By-law contains no such provision. Thus, if this application is denied, the only way in which the property can be demolished is through successfully appealing the denial of a Certificate of Appropriateness at the NSUARB, followed by waiting the three years stipulated in Section 18 of the *Heritage Property Act*.

Approval of this demolition application may risk encouraging demolition by neglect, a phenomenon where owners of registered heritage properties may allow their buildings to fall into disrepair, and then use that neglect as justification for their demolition.

Other Considerations:

If this demolition application is approved and the Cemetery Keeper’s House is demolished, then pursuant to Section 31 of the Schmitville HCD By-law (see Attachment F), the property will no longer be considered a contributing heritage resource. No amendments to the Schmitville HCD Plan or By-law would be required and any new development will require a Certificate of Appropriateness as the property remains within the Schmitville HCD. The stone masonry wall along the northern boundary of the property will remain a character-defining element, thus Staff will not advise the deregistration of the property and it will retain its municipal heritage designation. Future development may require a Substantial Alteration Application.

Conclusion:

The heritage value of the Cemetery Keeper’s House lies principally in its age and association with the history of the cemetery and its successive superintendents. It displays a moderate degree of heritage integrity, retaining character-defining elements from both its original form and its late 1800s / early 1900s modified form. The building is in poor condition, having deteriorated from disuse; however, HRM’s Building

Official has determined the building to be repairable. Considering the heritage value, moderate heritage integrity, and repairable state, staff recommend refusal of the application to demolish the Cemetery Keeper's House at 1259 South Park Street, Halifax and refusal of the associated application for a Certificate of Appropriateness.

FINANCIAL IMPLICATIONS

The HRM costs associated with advertising and processing this application can be accommodated within the approved 2023/2024 operating budget for C340 – Culture, Heritage and Planning Information Services.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report.

COMMUNITY ENGAGEMENT

A Public Information Meeting was held June 7th, 2023, at Halifax Hall in City Hall. The meeting consisted of a hybrid open-house and presentation format. Consistent with the procedure outlined in Attachment C, notice of this meeting was provided through a sign posted on-site and an advertisement in the Chronicle Herald. Additionally, notice of this meeting was served via a page on the municipal website and postcards mailed to properties within a 76m (250ft) radius. Notes from this public information meeting can be found in Attachment H and public submissions received at this meeting can be found in Attachment I.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

List any alternatives to the recommendations outlined in the report as:

1. The Heritage Advisory Committee could choose to recommend that Regional Council approve the application with conditions as per the *Heritage Property Act* to demolish the registered heritage property at 1259 South Part Street, Halifax; **and** approve with conditions the associated application under the Schmidville Heritage Conservation District Plan and By-Law for a Certificate of Appropriateness for the demolition of a contributing heritage resource.
2. The Heritage Advisory Committee could choose to recommend that Regional Council approve the application under the *Heritage Property Act* to demolish the registered heritage property at 1259 South Part Street, Halifax; **and** approve the associated application under the Schmidville Heritage Conservation District Plan and By-Law for a Certificate of Appropriateness for the demolition of a contributing heritage resource.

ATTACHMENTS

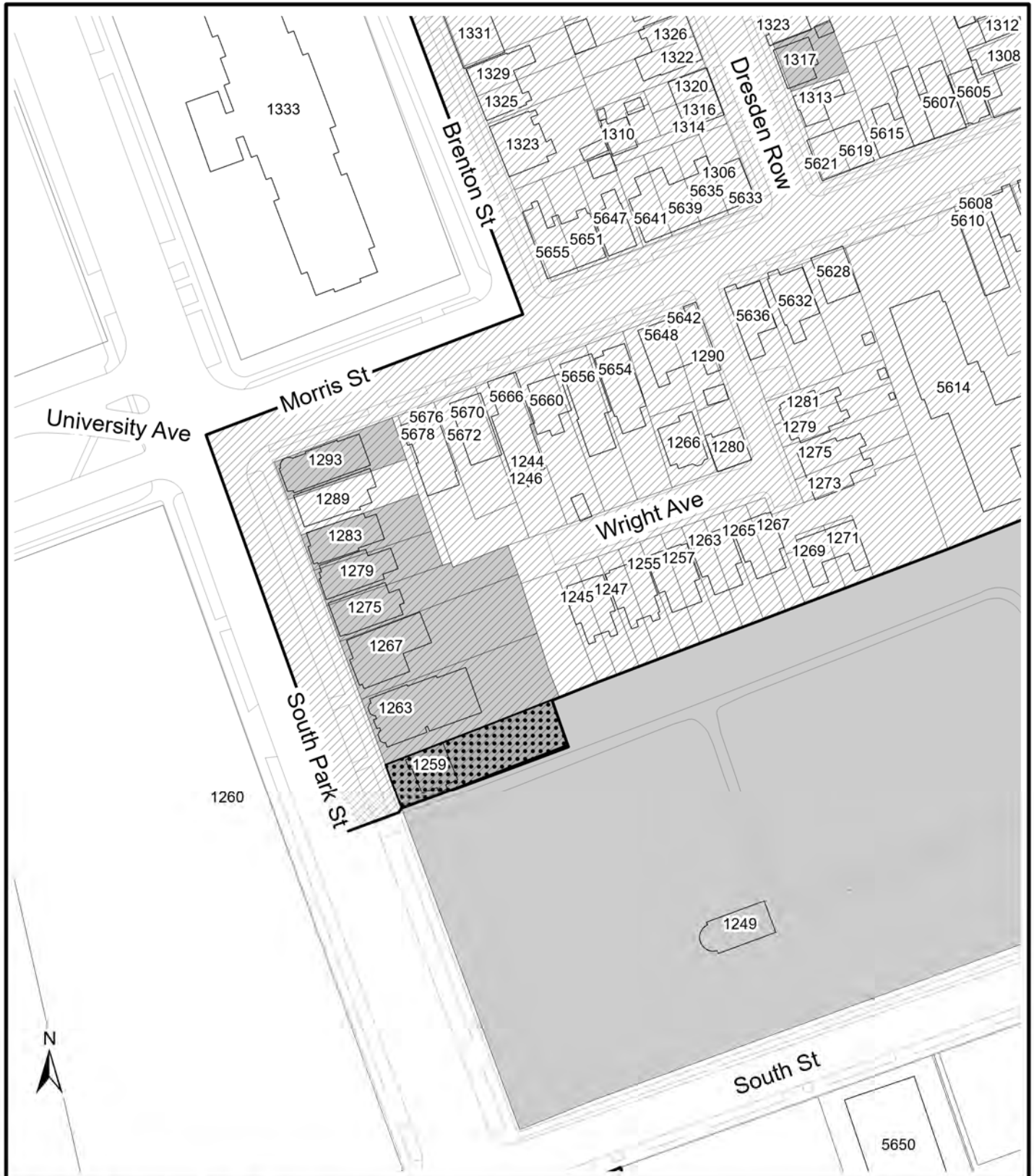
Map 1
Map 2

Location Map
Heritage Properties and Resources – Schmidville Heritage Conservation District

Attachment A	Historical and Current Images of 1259 South Park Street, Halifax
Attachment B	Applicant's Rationale for Demolition
Attachment C	Applicant's Clarification of Demolition Application Scope
Attachment D	Heritage Value Summary
Attachment E	Building Official's Structural Integrity Report
Attachment F	Applicable Legislation and Policy
Attachment G	Overview of the Demolition Approval Process
Attachment H	Public Information Meeting Notes (06-07-23)
Attachment I	Public Submissions




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, Strategic Projects, 902.719.9604

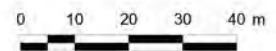


Map 1 - Location Map

1259 South Park Street
Halifax

-  Registered Heritage Properties
-  Registered Heritage Property to be Demolished
-  Schmidtville Heritage Conservation District Boundary

HALIFAX



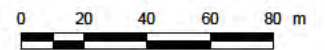
HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Heritage Properties and Resources
 Schmidville Heritage Conservation District Boundary

HALIFAX

-  Schmidville Heritage Conservation District Boundary
-  Registered Municipal Heritage Property
-  Schmidville Original Planned Area
-  Contributing Heritage Resource/Building
-  Historic Park & Institutional Area
-  Georgian Style Building
-  Mirror Image Building



Regional Centre Plan Area

The accuracy of any representation on this plan is not guaranteed.

Effective:

T:\work\planning\SER_Group\SER_Projects\SER17028\Maps_Plans\

ATTACHMENT A

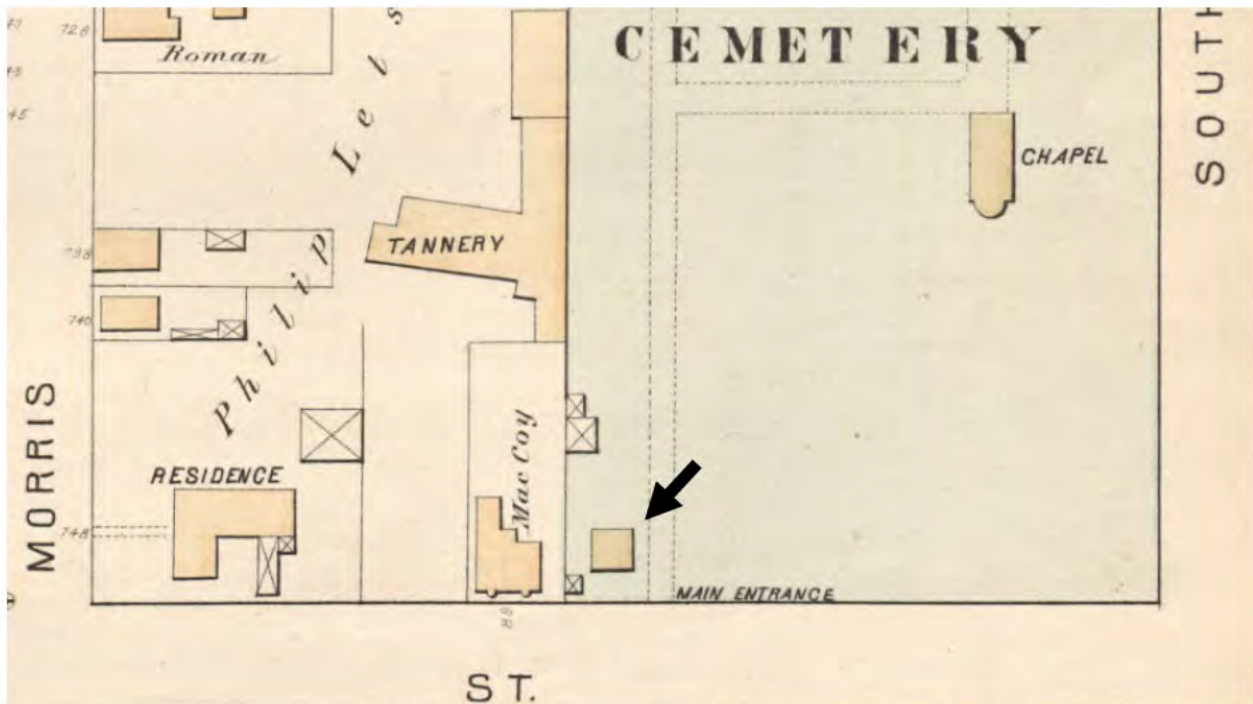
HISTORICAL AND CURRENT IMAGES OF 1259 SOUTH PARK STREET, HALIFAX

Figures 1A & 1B:



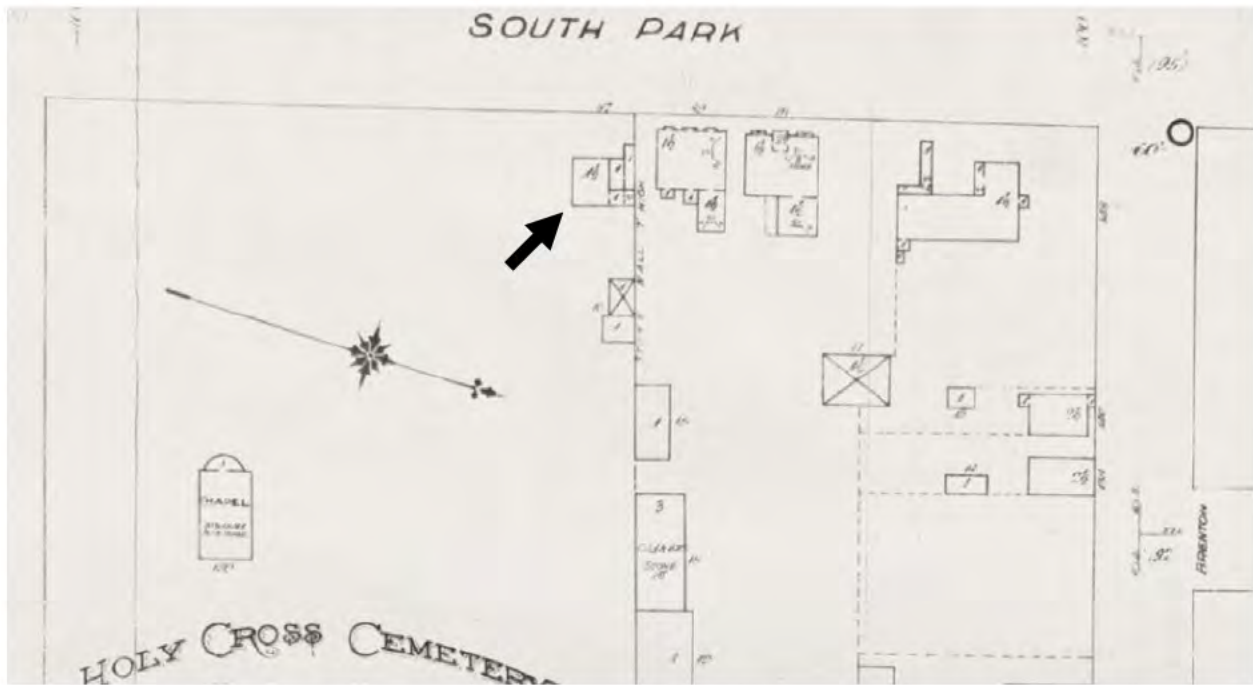
(1849) J.S. Clow Lithograph showing Church of Our Lady of Dolours in the Cemetery of the Holy Cross, Halifax, Nova Scotia, Documentary Art, Nova Scotia Archives 1987-218 / negative N-1411.

Figure 2:



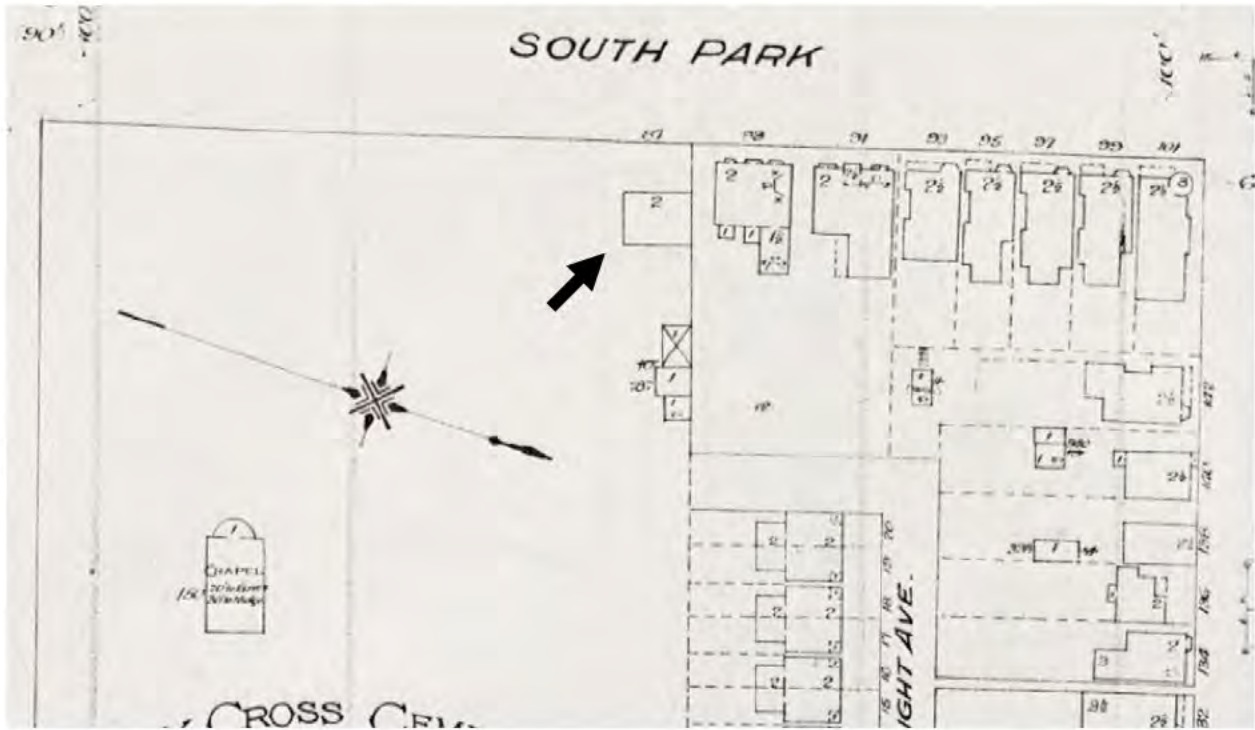
(1878) Hopkins Atlas showing the Cemetery Keeper's House prior to the construction of the northern additions (entry hall and kitchen), Nova Scotia Archives.

Figure 3:



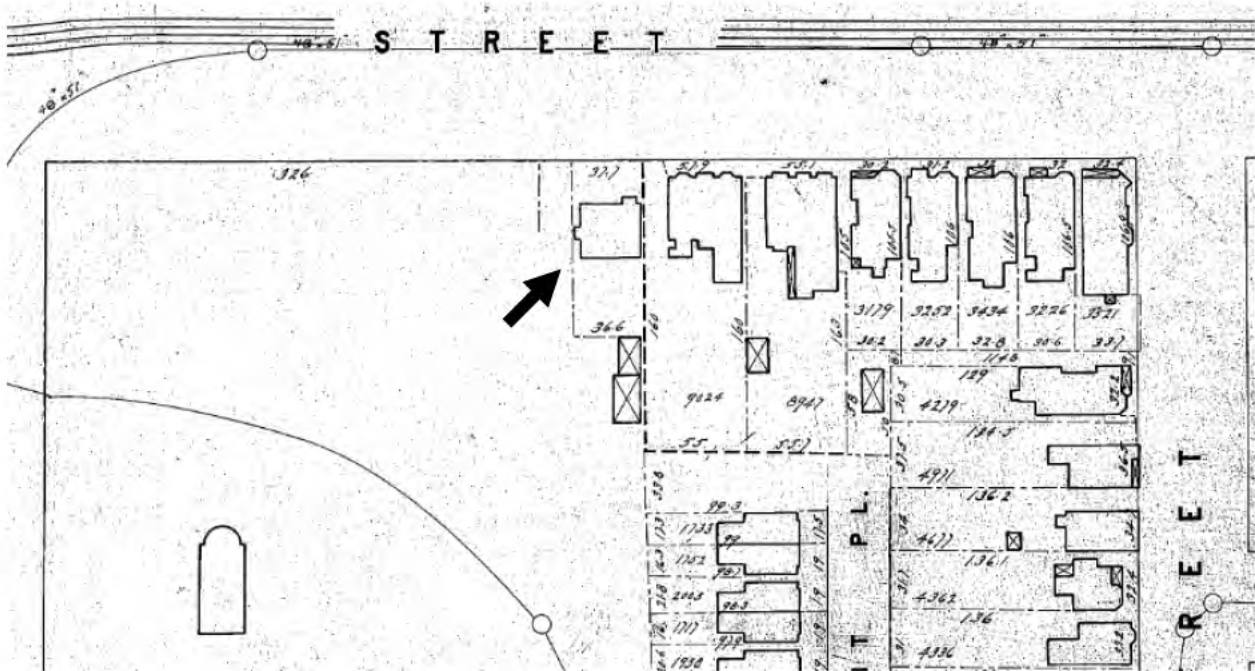
(1895) Goad's Atlas of Halifax showing one-storey additions to the north side of the Cemetery Keeper's House, Nova Scotia Archives.

Figure 4:



(1914) Goad's Atlas of Halifax showing the Cemetery Keeper's House, post-additions, as a two-storey structure, HRM Planning and Development – Heritage.

Figure 5:



(1918) Pickins' Assessment Map of Halifax showing the Cemetery Keeper's House, showing the locations of the original porch (facing the cemetery) and new porch (facing the street), HRM Planning and Development – Heritage.

Figures 6A & 6B:



(1952) Halifax, Halifax Co.: Churches: Our Lady of Dolours, Roman Catholic Church and Holy Cross Cemetery, Nova Scotia Archives Photographic Collection

Figure 7A & 7B:



(1962) Atlantic Air Survey Photograph of Halifax, HRM Archives

Figure 8A & 8B:



(1966) Aerial photograph of Halifax, Dalhousie University Archives PC1, Box 14, Folder 2, Item 6

Figures 9 - 12: Site Visit Photos (05/31/2023)



Fig. 9: Front (western) Elevation.



Fig. 10: Side (southern) Elevation.



Fig. 11: Rear (eastern) Elevation.



Fig. 12: Side (northern) Elevation.

Note the stone wall which runs along the northern edge of the property. This wall is associated with Letson's Tannery (see Figure 2).



April 20, 2023

Aaron Murnaghan
Principal Heritage Planner
Planning and Development
Halifax Regional Municipality
P.O. Box 1749
Halifax, Nova Scotia B3J 3A5

Dear Aaron,

Re: 1259 South Park Street
Holy Cross Cemetery Caretaker's House

The Archdiocese of Halifax-Yarmouth, the owner of Holy Cross Cemetery, wishes to apply to HRM for permission to demolish the Cemetery Caretaker's House, situated at the entrance to Holy Cross Cemetery.

Holy Cross Cemetery has its origins within "**An Act in further addition to and amendment of the several Acts now in force concerning Cemeteries or Burial Grounds in the Town of Halifax.-Passed the 29th day of March, 1843**" (See attached Document #1). Within this Act, the origin of the Cemetery land is described in part as the conveyance, by the Officers of her Majesty's Ordnance Department at Halifax, "to the Commissioners of the Public Cemeteries in Halifax, a certain piece of Land bounded on the east by Fort Massey, extending westwardly across the Brook running from the Common to Fresh Water Bridge and the object of this Act, that said piece of Land should be conveyed to and vested in, the City of Halifax".


Further, it is stated "it shall and may be lawful for the said City of Halifax, by Deed, signed by the Mayor, under the Seal of the said City, to convey and assure to Trustees on behalf of the Roman Catholic population of the said City, for the exclusive purpose of a Cemetery, so much as shall be adequate and satisfactory of the said land lying between the said Military Burial Ground and a certain Brook to the westward running through the said land, not exceeding four and a half acres... ". In addition, following within the Act, there is a specific "Proviso": "Provided always, That the said portion of the land

aforesaid so to assigned to the Trustees as aforesaid, shall not be used for any other purpose than as a Cemetery or Bur.YID.g Ground as aforesaid".


Given this "Proviso", and in the face of the current extremely dilapidated condition of the Cemetery's Caretaker's House, which you will see described when reviewing the Attached Document #2, "Condition Report - Holy Cross Caretaker's House - South Park Street", it is understandable that the Archdiocese would wish to have the Caretaker's House removed. As the Engineer, who conducted the survey of this property in August, 2017, concluded on page 5 of the report, "that the only rational course of action would be to tear the existing structure down". As well, since the condition of the property has further deteriorated over these past six years, we contend that this gives further credence to the request by the Archdiocese for permission to demolish this building.

In agreeing to this submission, HRM will enable the Archdiocese to provide a site for a future Columbarium, and so return this historically significant Holy Cross Cemetery to its intended state, as described in the Act of March, 1843, "for the exclusive purpose of a Cemetery or Burying Ground". It is our hope that Halifax Regional Municipality recognizes the significance of Holy Cross Cemetery to the City of Halifax, and we request your support for this submission so as to ensure the continued historic significance of Holy Cross Cemetery for years to come.

We look forward to your response,



John Kennedy, CPA,CMA
Financial Administrator
Archdiocese of Halifax-Yarmouth
1559 Brunswick St., Suite 101
Halifax, NS B3J 2G1



1843.

ANNO SEXTO VICTORIÆ REGINÆ.

CAP. XXXV—VI.

53

there held for three days; and be thence adjourned to some central and convenient place at Brookfield, and be there held for three days; and be thence adjourned to some fit and convenient place at Port Mutton, and be there held for three days.

TOWNSHIP OF LIVERPOOL.

The Poll shall be opened at the Court House in Liverpool, and there be continued for the space of four days; and be thence adjourned to some fit and convenient place at Port Medway, and be there held for two days.

Township of Liverpool

COUNTY OF DIGBY.

The Poll shall be opened at the Court House in Digby, and be there continued for the space of four days; and be thence adjourned to some central and convenient place near the Church at Weymouth, there to be continued for the space of two days; and be thence adjourned to some central and convenient place near the Chapel at Montegan, and be there continued for the space of four days.

County of Digby

TOWNSHIP OF DIGBY.

The Poll shall be opened at the Court House at Digby, and be there continued for the space of four days; and be thence adjourned to some central and convenient place near the Church at Weymouth, and be there continued for two days.

Township of Digby

TOWNSHIP OF LUNENBURG.

The Poll for the Township of Lunenburg, shall be opened at Lunenburg, at the same time as the Poll for the said County, and be there continued open for the space of four days only, unless sooner closed by operation of the Law now in force.

Township of Lunenburg.

II *And be it enacted*, That all such parts or portions of the said Act hereby amended, which relate to the times and places of holding Polls for Elections, for the several Counties and Townships within this Province, hereinbefore specified and enumerated, shall be, and the same are hereby repealed, but all other the provisions and enactments of the said Act, shall extend to any Election for such respective Counties and Townships, in the same manner as if the times and places hereby established for holding the Poll for any such Election had been, and were originally inserted in the said Act hereby amended.

Former Acts repealed

CAP. XXXVI.

An Act in further addition to and amendment of the several Acts now in force concerning Cemeteries or Burial Grounds in the Town of Halifax.

Passed the 29th day of March, 1843.

WHEREAS the Deed contemplated by the Act, passed in the second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act additional to, and in further amendment of, the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, to be made by the respective Officers of Her Majesty's Ordnance Department at Halifax, to convey to the Commissioners of Public Cemeteries in Halifax, a certain piece of Land bounded on the east by Fort Massey, extending westwardly across the Brook running from the Common to Fresh Water Bridge, has never been executed by such Officers although the conveyance of Land in lieu thereof hath been completed by the said Commissioners, and the respective Officers of Her Majesty's Ordnance Department have taken possession of the same, by virtue thereof, to the use of our Sovereign Lady the Queen, in accordance with the said Act; and it is proper for perfecting the exchange of Lands in the said Act mentioned, and the object of this Act, that the said piece of Land should be conveyed to and vested in, the City of Halifax.

Preamble,

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the respective Officers of Her Majesty's Ordnance Department at Halifax, for the time being, by any Deed to be made and executed by such Officers therein particularly to describe, convey and assure, to the Corporation of Halifax, by the

Respective Officers of Ordnance to convey a certain piece of land, near Fort

Massey to the City of Halifax

name of the City of Halifax, the said piece of land near Fort Massey, in fee simple, in consideration of the land so conveyed by the said Commissioners to Her Majesty as aforesaid; and the same land, near Fort Massey, shall immediately vest in, and be possessed by, the said Corporation, and thereafter be under and subject to the regulation, direction, management, and control of the City Council, to and for the purposes hereinafter mentioned respecting the same.

And whereas the Committee of Cemeteries appointed under the Act to Incorporate the Town of Halifax, have, upon careful examination, ascertained that the said piece of land, near Fort Massey, is not adequate or the most eligible for a general Cemetery for the said City.

And whereas the respective officers of Her Majesty's Ordnance Department are willing to accept an absolute Conveyance of that part of the said land which includes the present Military Burial Ground, with an addition equal to the contents of a road to be taken off the north side thereof, of thirty feet wide, and to erect and sustain the fences around the same, in lieu of a portion of the public Cemetery which by the Acts in force relating to Cemeteries, was directed to be appropriated for the purpose of a burial place for the military.

And whereas the Congregation of Saint Mary's have applied for a part of the said land, as a Cemetery for the exclusive use of the Roman Catholic portion of the citizens of Halifax, and have also agreed to erect and sustain the fences around the same, in lieu of the portion to which they would be entitled in the General Cemetery:

City of Halifax on the Execution of deed from the officers of Ordnance to convey part of the land at Fort Massey to them for a Military burial ground

II. Be it therefore enacted, That when and so soon as such Deed or Conveyance of the said land near Fort Massey, shall have been executed by the respective Officers of Her Majesty's Ordnance Department at Halifax, to the City of Halifax, as aforesaid, it shall and may be lawful for the said City of Halifax, by Deed, signed by the Mayor, under the Seal of the said City, to convey and assure to the principal Officers of Her Majesty's Ordnance Department, in fee simple, the said Military Burial Ground, part of the said land, except such road, and with such addition as aforesaid, for the purpose of a place of Interment or burial for the Military; and which Deed shall effectually in Law convey and assure to the said principal Officers for such use, for ever, the land hereby directed to be conveyed thereby, when and so soon as such Deed shall be accepted and received by the respective Officers of the said Department at Halifax, or some or one of them for such purpose.

Proviso

III. Provided always, and be it enacted, That such conveyance, when accepted and perfected, shall be, and be taken and held to be, a full performance of all the directions contained in the said Acts relating to Cemeteries, and each of them, for the laying off of a portion of the Public Cemetery for the purpose of a place of Burial for the Military, or as and for a just and satisfactory equivalent for such right.

Further proviso

And provided also, That the City of Halifax, or any Commissioners of Cemeteries heretofore in office, or the present, or any future Committee of Cemeteries, or other persons who may have the charge or care of the Public Cemeteries of the said City, shall not be bound or liable to erect or sustain the fences around the land so to be conveyed for a Military Burial Ground, or to contribute to the expense or charge thereof.

City of Halifax to convey to Trustees for the Roman Catholics a piece of land at Fort Massey

IV. And be it enacted, That when and so soon as such Deed or Conveyance of the said land shall have been executed by the respective Officers of Her Majesty's Ordnance Department at Halifax, to the City of Halifax as aforesaid, it shall and may be lawful for the said City of Halifax, by Deed, signed by the Mayor, under the Seal of the said City, to convey and assure to Trustees on behalf of the Roman Catholic population of the said City, for the exclusive purpose of a Cemetery, so much as shall be adequate and satisfactory of the said land lying between the said Military Burial Ground and a certain Brook to the westward running through the said land, not exceeding four and a half acres, so as not at any part to extend westward so far as to reach within thirty feet of the said Brook.

* Proviso

Provided always, That the said portion of the land aforesaid so to be assigned to Trustees as aforesaid, shall not be used for any other purpose than as a Cemetery or Burying Ground as aforesaid, and shall be fenced in, ornamented with Trees, and otherwise beautified by Saint Mary's Congregation or the Roman Catholic citizens as aforesaid, at their own expense and charge.

2

And

And provided also, That the said Cemetery shall at all times be open and subject to a general supervision of the Committee of Cemeteries for the said City, and to such rules and regulations as they or the City Council may from time to time make and ordain, to apply generally to all the Cemeteries of the said City; *Provided also,* that a certain Drain, Water Course or Sewer, passing through the said piece of ground, and necessary for draining the land and building grounds lying to the northward thereof, or otherwise contiguous thereto, shall at all times be kept free, open and unobstructed, by the said Trustees and their Successors, at their expense or the expense of the Roman Catholic Congregations of the said City.

V. *And provided always, and be it enacted,* That such Conveyance when accepted and perfected, shall be, and be taken and held to be, a full performance of all the directions contained in the said Acts relating to Cemeteries, and each of them, for the laying off of a portion of the Public Cemetery for the purpose of a place of Burial for the Roman Catholic Congregation of the said City, or as and for a just and satisfactory equivalent for such right: *And provided also,* that the City of Halifax, or any Commissioners of Cemeteries heretofore in office, or the present or any future Committee of Cemeteries, or other persons who may have the charge or care of the Public Cemeteries of the said City, shall not be bound or liable to erect or sustain the fences around the land so to be conveyed for a Roman Catholic Burial Ground, or to contribute to the expense or charge thereof.

VI. *And be it enacted,* That the remainder of the said piece of land near Fort Massey, together with the Brook thereon, so to be conveyed by the said Officers of the Ordnance Department to the City of Halifax as aforesaid, shall remain in the said City of Halifax, under the direction, management, and control of the City Council, to and for the use and benefit of the said City, as part of the Real Estate thereof.

And whereas, that part of the Common of Halifax, hereinafter next described, has, after due examination, been selected for the purposes of a general Cemetery or Burial Ground for the use of the Parishes, Congregations, and Citizens of Halifax aforesaid, that is to say—All that piece of Land, bounded as follows, that is to say—beginning at the north-west corner of a piece of land formerly taken from the Common, and laid out into lots known by the name of the Spring Garden Lots, and bounded on the west side by a line running from thence northerly along the east side of a highway, which, at the said place of beginning, lies between the said Common and land of the late Chief Justice Blowers, to a point immediately opposite the north-east corner of the land of the said late Chief Justice Blowers, where the said highway is intersected by a highway leading thence to the North-west Arm, and bounded on the north side by a line running easterly from the last mentioned point, on a course parallel with the rear line of the said Spring Garden lots, until it shall meet or intersect the east side line hereinafter mentioned, of the land hereby now being described, and bounded on the south side by the rear line of the said Spring Garden lots, running from the first mentioned place of beginning to the eastward across one of the Spring Garden roads, and thence along the said rear line to another of the said Spring Garden roads, or the north-east corner of the Spring Garden lot, formerly held by one James Smith, now occupied by one Robert Smith, and bounded on the east side by a line or a course in continuation of the east side line of the last mentioned Spring Garden lot, and paralld with the west side line hereinbefore mentioned, of the land now under description, until it shall meet or intersect the north side line hereinbefore described.

VII. *And be it enacted,* That immediately after the passing of this Act, it shall and may be lawful for the Committee of Cemeteries to take possession of the said last described piece of land; and the same shall thenceforth vest in the City of Halifax, and be and remain in the custody and under the management and control of the City Council, or the Committee of Cemeteries, for the said City, for the time being, in the same manner, for the same purposes, and to the same intent, as if such piece of land had been originally described and inserted in the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act concerning Cemeteries or Burial Grounds for the Town of Halifax, instead of the piece of land therein described and appropriated for a Public Cemetery; and that the said Act, and all Acts in amendment thereof, or such parts of the same as remain in force, shall continue to be in force, and fully apply to the land

Proviso

The lot conveyed to the Roman Catholics to be an equivalent for any land conveyed to them by former Act

City of Halifax &c not to fence the Roman Catholic Burial Ground

Remainder of the land at Fort Massey to be held by the City

Bounds of the General Cemetery

The General Cemetery to vest in the City and to be under the control of the City Council

Proviso

land now selected and herein appropriated as aforesaid, except as the same shall or may be altered or affected by this Act: *Provided*, that no part of the land herein last described and hereby intended to be set off, appropriated, and used as and for a Public Cemetery, shall be subject or liable to be appropriated, set apart, or used as, or for a Military Burial Ground, or as or for a Roman Catholic Burial Ground, or place of Interment, the said respective Officers of Her Majesty's Ordnance, and the Roman Catholic portion of the citizens of Halifax, having respectively chosen, to have and use the separate allotments for Cemeteries hereinbefore provided, in preference to receiving any appropriation or distinct portion of the said Public Cemetery, for the use of the Military or the Roman Catholics respectively.

A road to be laid off adjoining the east side of the Cemetery

VIII. *And be it enacted*, That there shall be taken from the said Common, and laid off, a public road or highway, adjoining and along the east side of the said Public Cemetery, or last described piece of land, being of the same width, and in continuation of the Spring Garden road which runs between the said lot formerly occupied by James Smith, and now occupied by one Robert Smith, and the Spring Garden lot, formerly owned by Thomas Wallace, and now used as a vegetable garden, and also as public road or highway adjoining and along the north side of the said Public Cemetery, or last described piece of land, of the same width, and which said roads or highways shall be forever hereafter kept free, open and common, for the use of all Her Majesty's subjects, and subject to all such management, supervision and care, as other highways in or through the said City or the suburbs thereof.

Preamble

And whereas, it is believed that a part of the said highway to be laid out on the north side of the said Public Cemetery will encroach upon that part of the said Common which was heretofore conveyed to the use of Her Majesty, in exchange for the said land near Fort Massey; and the respective Officers of Her Majesty's Ordnance, at Halifax, have agreed that so much thereof as may be required for such highway, may be taken for the purpose of such highway, in consideration that an equal quantity of land shall be taken from the Common and added to the said land of Her Majesty, on the north side thereof.

An equivalent to be given the Ordnance for a piece of Land to be taken from them for the road.

IX. *Be it therefore enacted*, That it shall and may be lawful for the respective Officers of Her Majesty's Ordnance at Halifax, for the time being, or some or one of them, by any Deed or Deeds, under their or his hands and seals, to convey and assure to the City of Halifax, for the purpose of such highway, so much of the said land of Her Majesty off the south side thereof as may be necessary for such highway, and for the said City of Halifax, by Deed, under the hand of the Mayor and seal of the said City, to convey and assure to Her Majesty, or to Her Majesty's principal Officers of Ordnance in Great Britain, so much of the Common of Halifax lying to the north of the said land of Her Majesty as shall, in size and quantity be similar and equal to such part thereof as shall so be conveyed in exchange as aforesaid; and the said Deed shall respectively be and enure in Law as, and for a full and absolute Conveyance, in fee simple, for the respective purposes aforesaid.

CAP. XXXVII.

An Act for setting off a part of the Township of Egerton as a separate District for the support of the Poor.

Passed the 29th day of March, 1843.

Preamble

WHEREAS the Inhabitants of the Township of Egerton are desirous that the Albion Mines, and all that part of the Township included within the limits hereinafter mentioned, should be set off as a separate District for the support of the Poor, and the same would be attended with many conveniences and advantages to the said Inhabitants generally:

Township of Egerton to be set off as a separate District

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That all that part of the Township of Egerton lying within the limits following, that is to say—to be bounded on the north by the upper or south line of William Frazer's (Og's) land, on the west by the division

CAP. XXX.

An Act relating to the Roman Catholic Cemetery in Halifax.

(Passed the 31st day of March, A. D. 1849.)

Preamble.

WHEREAS by an Act passed in the Sixth Year of the Reign of Her present Majesty, entitled, An Act in further addition to, and amendment of the several Acts now in force concerning Cemeteries or Burial Grounds in the Town of Halifax, the Corporation of the City of Halifax was authorized to Convey to Trustees on behalf of the Roman Catholic Population of the City aforesaid, a Lot of Land adjoining Fort Massey, for the exclusive purpose of a Cemetery for the Roman Catholic Population of said City, and such Conveyance was executed: And whereas it is expedient and desirable for the more perfect completion of the said Cemetery that a small Lot of Common at the South and West corner thereof should be granted for the purpose aforesaid, and the said Corporation of the City of Halifax having consented thereto:

Corporation to convey Land described for purposes of a Cemetery.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly,* That from and after the passing of this Act, it shall and may be lawful for the said Corporation to execute a Deed or Conveyance in Fee Simple, of the said Lot of Common bounded on the North and East by the Cemetery aforesaid; on the West by the Halifax Common; and on the South by Fort Massey Street, containing in all Three Rods, Two Perches, and Nine Yards, with all and singular the appurtenances to such Trustees, for and on behalf of the Roman Catholic Population, as aforesaid; and for the exclusive purposes aforesaid.

CAP. XXXI.

An Act to Incorporate the Roman Catholic Bishop in Halifax.

(Passed the 31st day of March, A. D. 1849.)

Preamble.

WHEREAS it is deemed just and expedient to Incorporate the Right Reverend William Walsh, Roman Catholic Bishop, in Halifax, in the Province of Nova Scotia, for the purpose of enabling him and his Successors to hold and acquire Real Estate in the City and County of Halifax, in this Province for religious purposes:

The Roman Catholic Episcopal Corporation of the City and County of Halifax Incorporated.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That from and after the passing of this Act, the Right Reverend William Walsh, and his Successor, and Successors, being the Roman Catholic Bishop of the Diocese of Halifax, Nova Scotia, in communion with the Church of Rome, and being British born subjects or duly naturalized, shall be, and he is hereby declared to be a Body Corporate within that part of his Diocese called the County of Halifax, in deed and in name, and that the said Right Reverend William Walsh, and his Successor and Successors for the time being, by the name of "the Roman Catholic Episcopal Corporation of the City and County of Halifax," shall by the same name have perpetual succession and a common Seal, and shall have power from time to time, by and with the advice of his Vicar General, and a Roman Catholic Clergyman of the Diocese aforesaid, or of any two Clergymen of the said Diocese for the time being, as hereinafter mentioned, to alter, or renew, or change such Common Seal at pleasure, and shall by the name, as aforesaid, from

Powers and Privileges.

Document #2

(1)

Condition Report – Holy Cross Caretaker's House – South Park Street

Background

This report was commissioned by Dr. Brian O'Brien, M.D. and others to assess the condition of this dwelling located at the North west corner of Holy Cross Cemetery and fronting on the east side of South Park Street, Halifax.

It is understood that the Halifax Regional Municipality has designated this house as a Historic Property – not so much for the historical significance or architectural merit of the building but more for the preservation of the Victorian era streetscape of this part of South Park Street.

The house appears to have been constructed in the later part of the nineteenth century in a simple unadorned style usually associated with a working class dwelling. The original two storey building is approximately square in shape with a very low pitched roof – typical of construction practices at that time with many examples of similar construction in the surrounding neighbourhoods. The building rests on a stone foundation, is of timber frame construction originally sided with wooden shingles and subsequently covered with aluminum siding. The building has a small entry porch on the north side of the house and also a small side door porch on the south face of the building. It appears that an addition containing a kitchen was constructed at some period after the original construction.

Stages 7.

The building is currently vacant and appears to have been vacant for some considerable time (perhaps a year or more) with minimal furniture and few household items.

Condition Report

General - The overall appearance of the building both from the exterior and interior perspective is one of severe neglect and disrepair and appears to be deteriorating with each passing season.

Exterior

Siding – The white aluminum siding is in poor condition, dirty and discoloured with a number of damaged areas. The wood trim around the windows requires cleaning and painting as well as repair in several places where some wood rot is evident.

Windows The majority of the building's windows are of wood construction, single glazed, with a number of broken lites. Aluminum storm windows have been installed on most windows at some point in the past. The condition of these windows is fair with some damaged frames, rusted fastening screws and discolored white frames.

Steps The front steps are in fair condition with evidence of rot/deterioration and in need of paint. The side porch is missing steps and railings completely making this exit unusable and unsafe in the event of a fire or other emergency requiring a quick exit from the building. This porch and missing steps face the main entrance to Holy Cross Cemetery .creating an eyesore. The concrete steps at the rear of the building are cracked and broken and their unevenness makes walking on these steps difficult and dangerous. *→ changed*

Roof/ Skylight This inspection program did not permit examination of the roof and skylight. However, observations inside the second floor ceilings indicates evidence of past and/or present water entry and damage. Given the overall condition of the building, it is probably safe to assume the roof condition to be poor.

Landscaping All landscaping around the building is overgrown particularly on the front of the house – blocking light from entering the windows of the first floor rooms. Shrubs and bushes are in a very neglected state and the property is becoming an eyesore to the well maintained neighbours on South Park Street.

Stone Wall The property has a six to eight foot high stone wall running along the entire north property line and extending for some 150 feet or more along the northern property line of Holy Cross Cemetery. This wall is in excellent condition and should be preserved at all costs regardless of what becomes of the building.

Interior

Architectural

The original building consisting of wood lath and plastered walls and ceilings has been modified and renovated over the ensuing years. Many different wall types are currently evident including wood paneling, drywall, wallpaper in addition to severely cracked and damaged plaster walls and ceilings with large areas in a number of the rooms where the plaster has fallen off exposing the wood lath backing material.

Flooring consists of a variety of vinyl, laminate, carpeting, and painted softwood floors which were probably the original flooring material of the original house. Most floors are in poor condition with damaged/missing pieces, noticeable slopes and sags as well as unevenness between floor types.

The interior doors, trim, moldings and baseboards are generally in poor condition with missing /damaged elements, poor fitting doors (showing evidence of building movement or settlement). Most elements have several coats of paint which has been chipped and damaged over the years.

Kitchen cabinets are very basic wood shelves with some wood doors al in very poor condition.

The stairs leading from the first floor to the second are in fair condition with some damage to treads and risers. The wooden railing is a little loose in some locations and is entirely too low for current code requirements. The stairway to the basement is entirely unacceptable – no hand rails, very steep steps, very limited headroom, narrow stair treads and uneven risers.

The basement has a very low headroom clearance – less than six feet in most areas with many pipes and other obstructions further reducing headroom clearance. The basement walls are of stone construction with many areas showing past and/or present water damage. The basement has a definite damp and musty smell. The floor is of rough wooden boards, quite uneven and difficult to walk on. It is suspected that the boards cover the original dirt floor. There are a couple of small windows that admit natural light into the basement area. The basement houses an oil fired hot water furnace, the main electrical entrance (100 amp), and the water service entrance.

Structural

The central fireplace and chimney of the building makes the floor framing less straightforward and contributes to direction changes of the floor joists and somewhat shorter spans in some areas. The use of smaller (undersized) floor joists (2"x6") in some areas and poor connection practices has resulted in sags and settlements of the first floor. These deflections have been transferred to the second floor by the load-bearing walls which appear not to have been properly supported/reinforced at the main floor level. This structural deficiency has resulted in severely cracked plaster throughout, ill-fitting doors and trim and noticeable slopes and sags on the second floor. In some areas of the building, the floors appear to be "springy" due to excessive deflection from undersized floor joists and proper support systems. The overall structural condition is poor and may represent safety issues should the building be repurposed for the general public. The building would not be suitable for large groups of people wandering through the various rooms.



Mechanical

The original plumbing system including cast iron waste pipes, copper domestic water distribution piping has been extensively modified with ABS drainage piping and plastic water piping over the years. Evidence of past water leaks from past, joints, pipes etc. was observed in a number of locations in the building. The resulting "hodge-podge" plumbing system would require complete replacement to bring the system up to code.

The heating system consists of an oil-fired hot water boiler located in the basement and feeding both old style cast iron and more modern linear baseboard radiators in each room of the house. There appears to be a couple of heating zone valves connected to corresponding thermostats located on the first and second floors. The furnace and oil burner appear to have been replaced in the last several years and seem in reasonable condition. The heating piping arrangement is convoluted and obviously has been modified several times in the past. Water leaks (past or present) from the heating system appear in a number of locations and the overall heating system is poor requiring complete replacement if this building is to be renovated.

5

Electrical

The wiring and 100 amp electrical entrance equipment is very old, not up the code, could present a safety hazard and would require complete replacement.

Summary

After completing the inspection of this building, one could easily argue that the overall building condition is POOR.

Restoration costs to address all of the building's shortcomings would be prohibitive.

From the inspection tour, there appear to be no architectural or historical features of the building worth preserving. The "bones" of the building are in such poor shape that restoration would essentially leave nothing original.

Thoughts of repurposing this building for use by the public entail serious fire and safety issues and requirements that the only rational course of action would be to tear the existing structure down and replace with a new building fully compliant with the latest codes and regulations

ATTACHMENT C

APPLICANT'S CLARIFICATION OF DEMOLITION APPLICATION SCOPE



Archdiocese of | Archidiocèse d'
Halifax-Yarmouth

1559 Brunswick Street, Suite 101, Halifax, Nova Scotia, B3J 2G1
Tel. (902) 429-9800 | Fax. (902) 423-5201

December 07, 2023

HRM Planning and Develop
Strategic Projects - Heritage
c/o Carter Beaupre-McPhee
5251 Duke St, Suite 300
Halifax, NS B3J 3S1


Dear Carter Beaupre-McPhee:

Re: Holy Cross Cemetery Keeper's House

The Archdiocese of Halifax-Yarmouth confirms that the scope of the requested demolition application for 1259 South Park Street, Halifax (The Cemetery Keeper's House), is limited to the dwelling house on the property, and excludes the stone wall along the northern boundary of the property. And that if this demolition application is approved, all necessary precautions will be taken to the satisfaction of heritage staff to ensure the wall is not harmed in the process of demolishing the dwelling house.

If you have any questions or require further information, please let us know.

Regards;



John Kennedy, CPA, CMA
Financial Administrator
Roman Catholic Episcopal Corporation of Halifax

ATTACHMENT D

HERITAGE VALUE SUMMARY – 1259 SOUTH PARK STREET, HALIFAX

Definition	List of Character-Defining Elements
Under the <i>Heritage Property Act</i> , character-defining elements of a heritage building are defined 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.”	<ul style="list-style-type: none"> • Location of the building at the northwest corner of Holy Cross Cemetery, and at the southern end of the South Park Street Victorian Streetscape; • Rubblestone foundations; • Large central chimney; • Side-entry fronting on the cemetery driveway; and • Association with Holy Cross Cemetery and use as the historical superintendents’ residence.
Standard 2 of the <i>Standards and Guidelines for the Conservation of Historic Places in Canada (2nd Edition)</i> states that one ought to “conserve changes to an historic place that, over time, have become character-defining elements in their own right”. Some additional features dating from the late 1800s / early 1900s modifications (or earlier in the case of the stone wall) may therefore be considered character-defining elements.	<ul style="list-style-type: none"> • Two-storey, wood-frame, Late Victorian Plain dwelling; • Asymmetrical, three-bay front façade; • Three-over-one, wood-frame windows; • Near-flat roof with projecting front eaves; • Enclosed front porch with transom and sidelights; • Enclosed southern side porch; and • Stone masonry wall running along the northern boundary of the property.

Historical Summary:

The building at 1259 South Park Street was originally a one-storey dwelling with a hipped roof, completed in 1846 as the “Sexton’s Lodge”. The lodge was built by local carpenter and contractor Rowland Eustace to serve as a residence for the cemetery’s Sexton, William F. Stoker, who administered and maintained the cemetery. An 1849 Lithograph depicts the Cemetery Keeper’s House in its original one-storey form (see Attachment A, Figures 1A & 1B).

The house was home to successive cemetery keepers / superintendents for most of its history. Halifax City Directories provide a history of its past residents:

- William F. Stoker (Sexton, b. 1818, d. 1900) & wife Ellen, resided from 1846 to 1899;
- Mathew Larkin (Blacksmith, b. unknown, d. unknown) & family, resided from 1900 to 1901, seemingly unaffiliated with the cemetery, likely a rental tenant;
- Daniel T. Lynagh (Caretaker, b. 1855, d. 1944) & wife Julia M. & son Gerald D., resided from 1902 to 1936;
- James S. Kline (Superintendent, b. 1882, d. 1963) & wife Florence E. & son J. Russel, resided from 1937 to 1963;
- Gerald E. Tobin (Superintendent, b. 1900, d.1984) & wife May & son John J., resided from 1964 to 1982; and
- Raymond C. Coolen (Caretaker, b. 1955, d. n/a) & wife Wilma Lea, resided from 1986 to 1995 or later.

The home was substantially modified and expanded around the late 1800s / early 1900s, adding a new kitchen to the northeast and a new entry hall to the northwest, as well as an additional storey above. This two-storey, modified building evokes the basic form of a Late-Victorian Plain style dwelling. Historical maps and photos provided in Attachment A, suggest that single-storey additions were made to the original house by 1895 (see Attachment A, Figure 3) and the house is shown in its final 2-storey form by 1914 (see Attachment A, Figure 4). The original 1846 stone foundations are visible today along the southern side elevation (see Attachment A, Figure 10) below the light-grey block foundations which were added when the house was raised in-place as part of the modifications. The southern side porch (see Attachment A, Figure 10) appears to correspond to the location of the original 1846 entrance to the dwelling.

The subject property also features a stone masonry wall (see Attachment A, Figure 12) running along the northern boundary of the property. This wall is associated with the Letson Tannery, which was a prominent part of the neighbourhood through the 1800s. The Tannery was demolished in 1896 by George Wright as part of major redevelopment project which saw him build working-class housing along Wright Avenue on the former Tannery site, as well as the grand Queen Anne and Second Empire homes of the South Park Street Victorian Streetscape. This wall is a character-defining element of the property.

Building Official's Report

Pursuant to Part XV of the Halifax Regional Municipality Charter
As requested by the By-Law Compliance Officer, an inspection of the property located at:

Property Address	PID	Inspection Date
1259 South Park St, Halifax, NS, B3J 2K8	00093724	05/31/2023

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> - The building is a 2 storey residence; it is of wood frame construction in varying stages of decay. - Interior of structure shows signs of potential water damage, causing the ceilings in multiple rooms to collapse in some areas. - Multiple broken windows around structure which are boarded up to block public access.
Foundation	<ul style="list-style-type: none"> - Original foundation is stone with a block extension on top.
Heating Appliances	<ul style="list-style-type: none"> - Oil tank at rear of home - Heating appliance unknown
Chimney	<ul style="list-style-type: none"> - Chimney on left side of home is brick construction, with signs of decay near the top of the chimney. - Chimney in the centre of the home is also brick construction, unable to tell the condition of this chimney.
Roof	<ul style="list-style-type: none"> - Flat roof construction, unable to determine the state of the roof.
Building Services	<ul style="list-style-type: none"> - No services currently connected as meter/fuses have been removed.

Public Safety Considerations
<ul style="list-style-type: none"> - Structure remains boarded up to block public access.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> - Observations of this structure were made from the exterior; due to safety concerns no entry was gained. - Repairing this structure would require an extensive amount of work, however the building could be repaired.

Dane Ordway		
Building Official (please print)	Signature	Supervisor's Initials

ATTACHMENT F

APPLICABLE LEGISLATION AND POLICY

The Heritage Property Act of Nova Scotia:

Approval to alter or demolish municipal heritage property

- 17 (1) Municipal heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the municipality.
- (2) An application for permission to substantially alter the exterior or public-building interior appearance of or demolish municipal heritage property shall be made in writing to the municipality.
- (3) Upon receipt of the application, the municipality shall refer the application to the heritage advisory committee for its recommendation.
- (4) Within thirty days after the application is referred by the municipality, the heritage advisory committee shall submit a written report and recommendation to the municipality respecting the municipal heritage property.
- (5) The municipality may grant the application either with or without conditions or may refuse it.
- (6) The municipality shall advise the applicant of its determination. R.S., c. 199, s. 17; 2010, c. 54, s. 13.

Consideration by municipality of application to alter or demolish

- 18 (1) The municipality may take up to three years to consider an application under Section 17.
- (2) In its consideration of the application, the municipality may require public notice of the application and information meetings respecting the application to be held.
- (3) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application.
- (4) Where the property owner has made the alteration or carried out the demolition in accordance with this Section, the municipality may deregister the property if the municipality determines that the property has lost its heritage value. 2010, c. 54, s. 14.

The Schmidville Heritage Conservation District Plan:

Policy 14 Preserve Residential Use and Character

It is the intent of the Municipality to amend the applicable municipal planning strategy and land use bylaw to ensure that properties within Schmidville are Schmidville Heritage Conservation District Plan 19 limited to residential uses with home occupations while supporting existing commercial retail uses in specific areas.

Policy 19 Demolition or Substantial Alteration of Registered Municipal Heritage Property

An application for the demolition or substantial alteration of a registered municipal heritage property shall proceed in accordance with the Heritage Property Act. Further, applications for the demolition or removal of a registered municipal heritage property shall proceed in accordance with the Heritage Property Act in tandem with an application for a Certificate of Appropriateness for the demolition or removal of a contributing heritage resource in accordance with Schmidville Heritage Conservation District Plan Policy 20 and Policy 21. All registered municipal heritage properties are also contributing heritage resources.

Policy 20 Demolition of a Contributing Heritage Resource

The Municipality shall hold a public hearing before considering a Certificate of Appropriateness for the

demolition or removal of a contributing heritage resource that is identified on Map 2. After the public hearing, the Heritage Officer shall:

- (a) (i) If Council approves an application for a Certificate of Appropriateness for demolition or removal of a contributing heritage resource, grant a Certificate of Appropriateness in accordance with the decision of Council; or
 - (ii) If Council denies an application for a Certificate of Appropriateness for demolition or removal of a contributing heritage resource, refuse a Certificate of Appropriateness in accordance with the decision of Council; and
- (b) only grant or deny a Certificate of Appropriateness after the time for appeal has elapsed or the appeal has been disposed of, whichever is the longer.

Policy 21 Notwithstanding Map 2, if a Certificate of Appropriateness is issued for the demolition of a contributing heritage resource, the property containing the building is no longer a contributing heritage resource when the building is demolished.

Schmidville Heritage Conservation District By-law:

When Certificate is Required

11. A Certificate of Appropriateness shall be required for:

[...] (c) demolition or removal of a building or structure that is part of a municipal heritage property or is a contributing heritage resource; [...]

Requirement for Sign if Demolition Application

26. If an application has been filed for a demolition or removal of a building or structure, a sign shall be erected on the property notifying the public of the demolition application. Demolition of Contributing Heritage Resource

Demolition of Contributing Heritage Resource

27. If an application is for the demolition or removal of a building or structure that is a contributing heritage resource or a municipal heritage property, the Heritage Officer shall refer the application for a Certificate of Appropriateness to the Council for a public hearing and shall issue or deny such Certificate in accordance with the decision of council, but no certificate shall be issued until the time for appeal has elapsed or the appeal has been disposed of, whichever is the longer.

28. If an application is for demolition or removal of a municipal heritage property, the Heritage Advisory Committee shall review and make recommendation on the application to Council.

29. Prior to holding the public hearing respecting demolition or removal of a municipal heritage property, Council shall receive the recommendation from the Heritage Advisory Committee.

30. Notice of the public hearing shall be in accordance with Section 11 of the Regulations.

Result of Demolition for Contributing Heritage Resource

31. Notwithstanding Schedule B, if a Certificate of Appropriateness is issued for the demolition of a contributing heritage resource, the property containing the building is no longer a contributing heritage resource when the building is demolished.

Regional Centre SMPS Policy IM-6

Subject to Policy IM-7, Council may consider amendments to the zoning boundary schedule of the Regional Centre Land Use By-law that carry out the intent of this Plan and:

- a) rezone the land to another zone enabled within the same designation as the land is located, provided that the lands are located within the Parks and Community Facility, Established Residential, Industrial Employment or Institutional Employment Designations;
- b) rezone the land to the PCF, RPK, or INS Zone;
- c) rezone lands located within the Higher-Order Residential Designation to any zone enabled in the Established Residential Designation;
- d) rezone lands zoned INS to any zone enabled in an abutting designation; and
- e) rezone lands located within any designation, to any zone enabled within the Institutional Employment Designation, provided that the land subject to rezoning:
 - i) abuts the Institutional Employment Designation, and
 - ii) is up to a maximum land area of 2 Hectares.

ATTACHMENT G

OVERVIEW OF DEMOLITION APPROVAL PROCESS FOR MUNICIPAL HERITAGE PROPERTIES

In 1999, in accordance with a provision of the *Heritage Property Act*, Regional Council adopted a procedural policy for applications to demolish a municipal heritage property. It established requirements for public notification, a structural integrity assessment, and a Public Information Meeting. The following items identify the process:

- i. *Public Notification*
A poster has been installed on the heritage building at 1259 South Park Street to identify the proposed demolition. An ad was published in a newspaper on May 31st, 2023, to identify the proposed demolition and the date of the Public Information Meeting.
- ii. *Structural Integrity Assessment*
HRM staff coordinated with the applicant to conduct a site visit of the heritage building's interior and exterior. The Building Official then prepared a report on the structural integrity of the building.
- iii. *Public Information Meeting*
HRM held a Public Information Meeting at the Halifax Hall, City Hall, 1841 Argyle St, Halifax on June 7th, 2023. Approximately 15 members of the public were in attendance and provided comments on the proposed demolition.
- iv. *Heritage Advisory Committee*
The application to demolish the registered Municipal Heritage Property will be presented to the Heritage Advisory Committee at a regularly scheduled meeting for recommendation to Regional Council.
- v. *Regional Council*
The application to demolish the registered municipal heritage property will be presented to Regional Council for Public Hearing and decision at a regularly scheduled meeting. Under the Schmidville Heritage Conservation District Plan and By-law, an application for a Certificate of Appropriateness to Demolish a Contributing Heritage Resource is being decided upon concurrently.
- vi. *Heritage Property Act - Three Year Delay / Negotiation Period if Demolition Refused*
The *Heritage Property Act* maintains that if the municipality denies the application, a permit for the demolition shall not be granted until three years has elapsed from the date of the application. Within this three-year period, HRM may negotiate with the owner to attempt to find ways and means to retain and rehabilitate the building. This may involve financial or other incentives from HRM, other levels of government, and other organizations with an interest in heritage preservation. Under the *Heritage Property Act*, there is no provision to appeal the approval or denial of the application or the imposition of conditions.
- vii. *Demolition of Contributing Heritage Resource*
In accordance with the *Schmidville Heritage Conservation District By-law*, if an application is for the demolition or removal of a building or structure that is a contributing heritage resource or a municipal heritage property, the Heritage Officer shall refer the application for a Certificate of Appropriateness to Council for a public hearing and shall issue or deny such Certificate in accordance with the decision of Council, but no certificate shall be issued until the time for appeal has elapsed or the appeal has been disposed of, whichever is the longer.

ATTACHMENT H

PUBLIC INFORMATION MEETING NOTES

Public Information Meeting Notes - HRTG-2023-0650 - Application to Demolish the Municipally Registered Heritage Property at 1259 South Park Street, Halifax

Meeting held: June 7, 2023, 6:00pm - 8:30pm, Halifax Hall, City Hall, 1841 Argyle Street, Halifax

6:00pm - Posters were displayed around the room, 6 prepared by staff and 2 prepared by the applicant. Attendees were free to view these posters and ask questions to staff or the applicant's representatives.

6:15pm - All attendees had arrived, and the applicant gave a prepared speech outlining their proposal to demolish 1259 South Park Street, Halifax, and replace it with a new columbarium, providing their rationale for doing so. The presentation ran approximately 15 minutes.

6:30pm - The floor was opened for attendees to ask questions of the applicant, their representatives, and HRM staff. There were no questions directed to staff and many questions and comments directed to the applicant and their representatives:

- Residents who attended the public information meeting expressed general disagreement with the applicant's proposal;
- They noted the age and historical value of the property and expressed desires to see the building restored and frustration that the applicant had allowed the building to fall into disrepair by keeping it unoccupied and unmaintained;
- Residents expressed concern that the applicant had not made sufficient effort to explore restoration and adaptive-reuse strategies, and that this case might set a precedent to encourage demolition by neglect; and
- Residents pleaded with the applicant for flexibility and creativity in how to adapt and reuse the existing property for columbarium use or other use.

8:00pm - All attendees, the applicant, and the applicant's representatives had left by this time. Staff remained present in case any other residents would show up. No further attendees arrived.

8:30pm - The public information meeting concluded at this time.

ATTACHMENT I
PUBLIC SUBMISSIONS

**Commentary on the Registered Heritage Property: 1259 South Park Street:
Cemetery Caretaker's House: Case 2023 - 00650: Move by Archdiocese of
Halifax-Yarmouth to seek de-registration and demolition: Open Hearing 2023
June 7**

Submitted by

[REDACTED] Ph.D.

E-mail: [REDACTED]

Phone: [REDACTED]

Any move to de-register a designated heritage property necessitates a serious review since such a request seeks to remove a building that had been deemed to have met specific criteria for registration, and to be worthy of preservation as part of the community's architectural legacy. The Caretaker's House at 1259 South Park Street in Halifax is associated with Holy Cross Cemetery and Our Lady of Sorrows Chapel - both recognized as historic sites - and it is the only caretaker's building to have been so registered in HRM or in the province. As a residence of a workman and later as an administrative office for the care of Holy Cross, the structure is at the same time an example of a worker's residence which illustrates the broad range of architecture to be brought under the HRM heritage registration's scope.

Two approaches can be taken in regard to the current condition of the Caretaker's House which is the primary reason given by the applicant for demolition. Firstly, there is the theological and religious administration aspect; secondly the historical and heritage issues need to be addressed. The former will be considered before the latter.

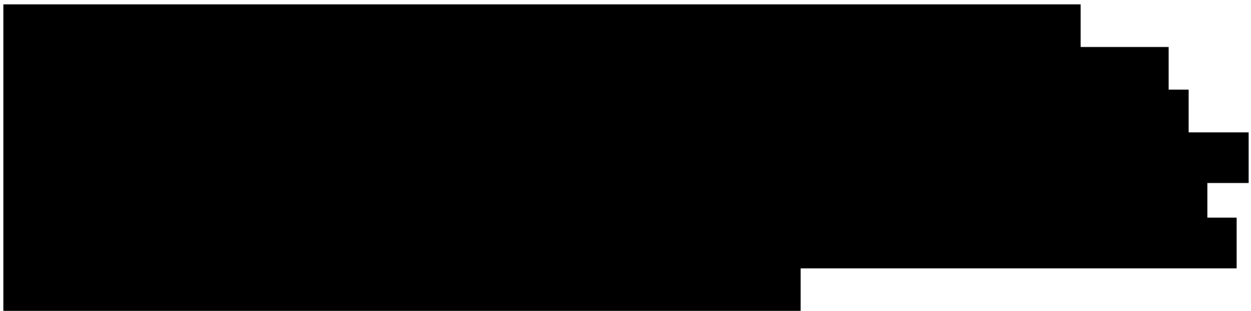
The applicant or Church authorities were responsible at the registration of the Cemetery Caretaker's House (1982) to act in good faith as stewards of a heritage building, to see to its conservation and regular maintenance, respect it as a part of the collective Catholic history of Halifax, and to adhere to best practice in regard to stewardship as given by Church teaching and administration. The engineer's report (name not given) noted the poor condition of the building and had recommended demolition as restoration would be prohibitive. However, there is no reference to consultation with a heritage architect who could bring expertise to the issue and provide a more in-depth examination of the building and prospects for its restoration. Further, given the report at the time and subsequent deterioration in the building's condition it would seem to indicate a failure to provide basic adequate repairs under stewardship guidance; this abrogation of care for a

registration heritage building brings into question the issue of contempt for due regard to heritage legislation, for the secular government's administration, and for the people -both Catholic and general population - for whom the registration was a mark of recognition of the Caretaker's House's significance. Much more is expected of an ecclesial body which is to be the role model of faith and co-existence within secular society. Hence the current condition of the building has become a public scandal injurious to the reputation of the Church in Halifax. One way to express recognition of that fact and the desire to correct such failings would be to commit the Archdiocese of Halifax-Yarmouth to the restoration of 1259 South Park Street with the in-put of a specialist heritage architect. That is to say the Church needs to atone for its failure to properly exercise due stewardship of a heritage property under its administration.

The architectural history of the Cemetery Caretaker's House includes its intimate connection with Holy Cross Cemetery. Clow's 1849 pictorial lithograph of Holy Cross Cemetery and Our Lady of Sorrows Chapel clearly shows a building at the location of the present Caretaker's House indicating that the two structures have been part of the area since the 1840s; even if the current building is a replacement of the 1849 structure it continued the intended use. The argument that the Proviso of the original act which created Holy Cross Cemetery meant that it was to be used exclusively as a burial site did not preclude the erection of a chapel or a caretaker building or any associated storage sheds; the suggestion that demolition of 1259 South Park Street would restore the Cemetery to its true and original purpose is specious at best. The Chapel (1843) and a caretaker's building were both sanctioned by the Church authorities of the day; there was no adverse reaction by the government responsible for the act to create Holy Cross Cemetery to either construction. Otherwise the proposition put forward by the applicant for removing the Caretaker's House must apply to Our Lady of Sorrows Chapel and lead to its demolition.

The issue of prohibitive expense in restoration of the Caretaker's House needs further investigation by a competent individual or individuals familiar with historic building conservation and restoration techniques for an adequate perspective. Given that the applicant intends to build a columbarium in back of the House and would build another one on the site of the House indicates that there is funding to hand which is available for those projects. A comparative costing is therefore more than necessary in order to offer any needed correction to the plea that cost is prohibitive. Moreover, a restored building can be readapted for other purposes, but include some aspect related to Holy Cross Cemetery.

This commentary is submitted by [REDACTED] Ph.D. [REDACTED]
[REDACTED] M.A. [REDACTED] historian, author, researcher; [REDACTED]



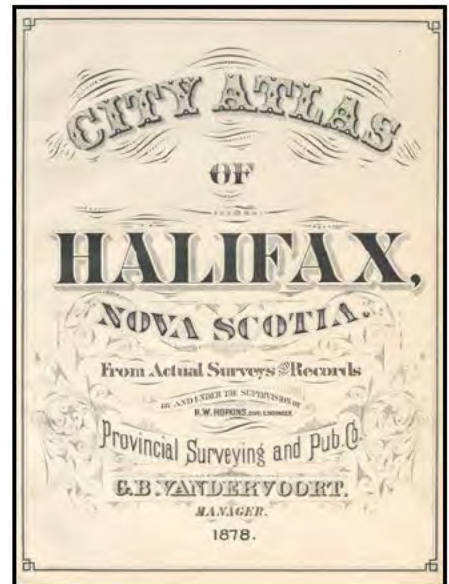
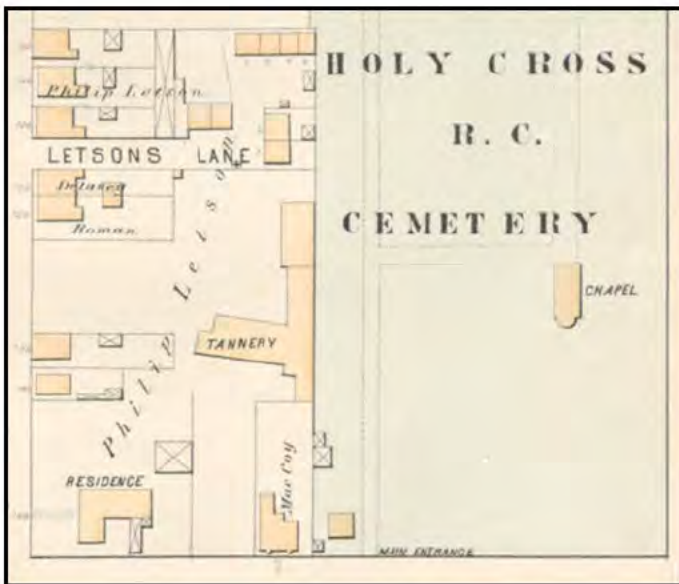
Appendix: Images pertaining to the Cemetery Caretaker's House (1259 South Park Street):



Photos of Cemetery Caretaker's House
1259 South Park Street [REDACTED]
taken 2022.



C. S. Clow Lithograph 1849 Holy Cross Cemetery; building at site of Caretaker's House visible; enlarged view.



Hopkins Atlas of Halifax 1878 showing location of Caretaker's House by entrance to Holy Cross Cemetery along South Park Street