



Corporate NO: R209

Report COUNCIL DATE: September 25, 2000

REGULAR COUNCIL

TO: Mayor & Council **DATE: September 18, 2000**

FROM: General Manager, Planning & Development **FILE: 0525-203**

SUBJECT: Heritage Register

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Receive this report as information;
2. Re-affirm the inclusion of 118 buildings, structures and other features, including the T.H. Smith House at 2383 Christopherson Road, on the Surrey Heritage Register and instruct staff to send notification to all owners in the form of registered letters; and
3. Instruct the City Clerk to forward a copy of this report to Mr. and Mrs. F.C. Ferguson, owners of the T.H. Smith House.

BACKGROUND

On November 2, 1998, Council approved the addition of 121 buildings, structures and natural features to the City of Surrey Heritage Register, and directed staff to notify the owners of the properties concerned in writing in accordance with the Local Government Act.

The T.H. Smith House, located at 2383 Christopherson Road, is one of these 121 buildings (Appendix I). One of the owners of this house, Mr. F.C. Ferguson, appeared as a delegation before Council-in-Committee to express his concern about the house being placed on the Heritage Register. Specifically, he indicated that he was not consulted and that he should be compensated for devaluation of the property. Council requested that staff bring forward a report on this matter.

DISCUSSION

Heritage Evaluation and Consultation Process

In 1993, the Surrey Museum & Archives identified and documented properties that had potential heritage significance in a 5-volume book set titled "*Surrey's Heritage*". Planning & Development staff evaluated these heritage sites further in 1997 for architectural and historical significance to determine which ones were worthy of addition to the newly created Surrey Heritage Register. As part of this evaluation, an extensive consultation process was undertaken.

Owners of all the properties being considered for inclusion on the Heritage Register were invited to an Open House held on September 30 and October 1, 1997. An information sheet about the purpose of the Heritage Register and implications for owners was included with this invitation (Appendix II).

The owners of the T.H. Smith House were included on the mailing list and an invitation was sent to the correct address. However, the owners advise that they did not receive the invitation, and they did not attend the Open House.

Formal Notification to Owners

On November 2, 1998, Council received a report from the Planning & Development Department recommending the addition of 121 buildings, structures and natural features to the Heritage Register, including the T.H. Smith House. Council directed Planning & Development staff to notify the owners of these properties in writing in accordance with the Local Government Act. Under the Local Government Act, notification must be provided to each owner in writing within 30 days of the resolution by Council. Staff prepared a letter of notification, which was sent to all property owners on November 20, 1998. However, the notification letters should have been sent by registered mail as required by the legislation.

Liaison with Owners of T.H. Smith House

The owners of the T.H. Smith House responded to this notification, expressing concern that they had not had the opportunity to appear at the Heritage Register Open House held at City Hall. The owners arranged a meeting with Planning and Development staff on December 8, 1998. They were informed of the purpose of the Heritage Register, the architectural and historical significance of this house and how it was evaluated. The owners provided some minor corrections to the archival information found in the publication, *Surrey's Heritage*.

Following this meeting, the owners wrote to Council expressing their concerns (Appendix III). Council referred this matter to the Planning & Development Department and the Heritage Advisory Commission. Further correspondence was sent by Planning & Development staff to the owners outlining the reasons for including the T.H. Smith House on the Heritage Register, and the implications of the Register on demolishing the house or redeveloping the property.

The owners appeared as a delegation at the Heritage Advisory Commission's meeting on February 17, 1999, to express concern over the lack of pre-notification in relation to the T.H. Smith House being placed on the Heritage Register and perceived loss in property value. The process of notifying owners was reviewed and it was emphasized that the owners are not prevented from demolishing or altering the building, or redeveloping the property. The Heritage Advisory Commission requested that the Planning & Development Department contact the owners of the T.H. Smith House to explain the implications of retaining the house on the Heritage Register, and a letter was sent to the owners on March 31, 1999.

On February 15, 2000, Mr. Ferguson attended an Open House for Heritage Conservation Areas, at which time he reiterated his concern for having the T.H. Smith House on the Heritage Register. Planning & Development staff explained to Mr. Ferguson that a report would be prepared on this issue for Council's review and consideration.

Implications of Retaining the T.H. Smith House on the Heritage Register

When an application for demolition, alteration or redevelopment is received for a building on the Heritage Register such as the T.H. Smith House, City staff explore all options with the owner and the Heritage Advisory Commission without undue delay to the regular approval process. Demolition is not the optimal scenario for a building on the Heritage Register. However, if all other options had been explored and exhausted, demolition may be the only option to facilitate new construction. In this case, documentation would be completed and a demolition permit would be issued once a building permit and any other necessary approvals are issued.

In relation to the owners' claim for compensation due to perceived devaluation of the property, it should be noted that under the Local Government Act, compensation for a loss in property value is only available to owners whose property has been designated as protected by a heritage designation by-law. This is not the case with the T.H. Smith House. Moreover, it is the City's practice to protect a building with heritage designation only with the approval of the owners.

CONCLUSION

Since Council's resolution of November 2, 1998, approving the addition of 121 buildings, structures and natural features to the Heritage Register, two buildings (Green Timbers Community Hall and Sullivan Station House) have been demolished and removed from the Heritage Register. A third building (Camp Alexandra Office) has been dismantled and relocated outside the City.

The owners of the T.H. Smith House have had extensive discussion with City staff, members of the Heritage Advisory Commission, and most recently as a delegation to Council. It has also been pointed out to the owners that all options will be explored without undue delay to the process should an application for demolition or redevelopment of the site be received by staff.

Planning & Development staff recommend that the T.H. Smith House be retained on the Heritage Register. This will allow the heritage component of this property to be identified and duly considered should any land development application or building permit application be received for this site.

Since the previous notification letters to owners of properties on the Heritage Register were not sent by registered mail, as is required by legislation, it is recommended that Council re-affirm the inclusion of 118 (121 less 3) buildings, structures and natural features, including the T.H. Smith House, on the Surrey Heritage Register (see Appendix IV) as one of the means by which the City will document and efficiently monitor its heritage resources, and instruct staff to send notification letters in accordance with the Legislative requirement.

It is further recommended that a copy of this report be forwarded to Mr. and Mrs. F.C. Ferguson, the owners of the T.H. Smith House.

Murray D. Dinwoodie

General Manager

Planning & Development Department

HM/kms

Appendices

- I. - Location of T.H. Smith House, 2383 Christopherson Road
- II. - Heritage Register Information Sheet
- III. - Response from Owner of T.H. Smith House, January 5, 1999
- IV. - Heritage Register Sites to be Re-affirmed

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