

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Monday, February 22, 2016 5:26 PM
To: Public Hearing
Subject: FW: First Shaughnessy Heritage Conservation Area – Amendments Regarding the Heritage Conservation Area Official Development Plan and Related By-Laws: Public Hearing

From: Robert Miranda s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 5:26 PM
To: Correspondence Group, City Clerk's Office
Cc: Johnston, Sadhu
Subject: First Shaughnessy Heritage Conservation Area – Amendments Regarding the Heritage Conservation Area Official Development Plan and Related By-Laws: Public Hearing

To Mayor Robertson and Vancouver City Council,

I write on behalf of my wife Dr Jane Hailey and myself, owners s.22(1) Personal and Confidential

This is to express to you our continuing opposition to the **First Shaughnessy Heritage Conservation Area – Official Development Plan and Related By-Laws**, which Council enacted on 29th September 2015. The fact that there is already a need for a Public Hearing to consider Amendments to this new ODP and related By-Laws points to the total incompetence of City Staff in this whole matter.

We take the view that the Amendments do not go far enough; the new ODP and By-Laws should be scrapped, and City Staff should start again and conduct a thorough neighbourhood consultation process – not the half-baked one that took place hurriedly in 2015.

As owners of a property in First Shaughnessy, we recently received correspondence from the City, in which our house was described as a “Protected Heritage Property”.

When we bought our property twenty-two years ago it had no heritage designation. As far as we are concerned this remains the case – until such time as the City accepts the requirements of the Vancouver Charter and guarantees that we would be financially compensated by the City should there occur a loss in value of our property due to the heritage designation.

We do not accept that by designating the First Shaughnessy Neighbourhood as a Heritage Conservation Area, rather than each house in the neighbourhood, the City can sidestep its obligations to pay compensation. We regard this ploy as duplicitous and in bad faith.

We do not accept the findings of the consultant Don Luxton in his report, which provides some of the justification for the new By-Laws. Mr Luxton is not an architect (he is a landscape designer) and as far as I can see he has no qualification to comment upon architectural matters.

Our property is a “gated” one; it is not possible to enter it without our knowledge. Mr Luxton has not set foot on our property, and thus he was in no position to comment upon its architectural merits, even if he were qualified to do so.

After attending a City organized Open House regarding the proposed changes to the First Shaughnessy By-Laws, I maintain that the public participation process was totally inadequate - there was no discussion about the legal rights of property owners.

The new By-Laws affect “Pre-1940” buildings. This is quite arbitrary. For several years I chaired the First Shaughnessy Advisory Design Panel; and as a UK qualified architect I have some knowledge of architectural matters. There are plenty of post-1940 houses that are of architectural merit; conversely there are plenty of pre-1940 houses - like my own - of no heritage value whatsoever.

My wife and I are financial sponsors in the current application to the **Supreme Court of British Columbia** to quash these new By-Laws. We note the 2nd Affidavit of Jane Pickering (Acting Direct of Planning) in this case, sworn on January 29, 2016, item 24, beginning:

“The City has not taken the position that properties appearing on Appendix A4 can never be demolished ...” We take this claim to be another example of the City’s duplicity in this whole matter - by setting up so many bureaucratic obstacles in the way of First Shaughnessy Property Owners to exercise their pre-existing legal rights (property owners seem to have to prove at their own expense that their houses are not of heritage value).

We note that City Council received 316 letters and emails in support of the new By-Laws, and 372 letters and emails in opposition. Yet City Council in its infinite wisdom decided to enact the new By-Laws, that is, against the wishes of the majority. We remind you all that your obligations are to all who live in the City of Vancouver, not simply those who are likely to vote for you in future elections.

Heritage conservation may be considered by some people an important matter. But it is not as important as a respect for existing legal rights of property owners.

Robert Miranda

Robert Miranda
BA, BArch (L'pool)
MArch (Harvard)
MA (Cantab)
ARB (UK)

s.22(1) Personal and Confidential



Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:01 AM
To: Public Hearing
Subject: FW: First Shaughnessy heritage by law

From: Vancouver Property Management s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 7:20 PM
To: Correspondence Group, City Clerk's Office
Subject: First Shaughnessy heritage by law

Dear Mayor and Council

Having property pre 1940 in FSD, we wish to express our deepest dissatisfaction in the manner that the city is targeting blanket pre 1940 as a conservation (no demolition) where as 2 very nice properties being post 1940 were purchased and will be demolished. Those properties have more character than many on a pre 1940 list.

Similarly there has been a pick up in other Vancouver west side properties whereby the realtors are securing listings and those properties will be demolished out of the fear of what some 350 home owners are facing.

We urge you to stop this unfair targeting and if heritage is to be preserved (we are all in favour within reasons) then it should be applicable not to only pre 1940 and should be common concern in other neighbourhood as well. This way city is depressing the value of some 350 homes.

If public wants a private home owner to have all this new restrictions then public should pay for it.

Furthermore the busy street King Ed property should have a higher density to help deal with housing shortages. FSD is a great location for so many working class people who can bike to work.

Property owners who wish to retain their pre 1940 should be given extra building allowance including basement suite sf not counted in fsr. Also extra height allowance would be helpful as it is sometimes very challenging to work with the current roof peaks and yet make the decent layout to meet current family needs.

There is no compensation in this unfair by law nor does it give any real advantage in retention.

Thank you

M Kassam

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:01 AM
To: Public Hearing
Subject: FW: First Shaughnessy HCA ODP -Public Hearing Feb 23, 2016

From: MaryAnn Cummings s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 8:04 PM
To: Correspondence Group, City Clerk's Office
Subject: First Shaughnessy HCA ODP -Public Hearing Feb 23, 2016

Mayor and Council,

I am the owner of a pre-1940 home in First Shaughnessy that has been placed on schedule A-4 to the FS HCA ODP.

It is my view that the entire bylaw is void and should be repealed. The City has admitted that it has not done an actual evaluation of the heritage character or heritage value of the properties listed on the schedule. The City has not determined that each house on Schedule A-4 has **sufficient** heritage character or heritage value to **justify** its conservation, the City has merely presumed that pre-1940 properties *might* have heritage value. This is not what the Vancouver Charter and the Bylaw requires.

The City had 15 months to do a review of some 317 houses to determine if there was sufficient heritage character or value to justify conservation, but did not do that work. Now the City says it would have been too time consuming and expensive to do that work. I don't think that those excuses allow the City to fail to perform its duties.

The City has shifted all the cost of a heritage evaluation and of heritage conservation onto private homeowners, requiring the homeowners to hire experts to prove that their house does not have sufficient heritage value. This is neither fair nor equitable.

The heritage designation negatively impacts the value of the property (as admitted by the Coriolis reports), but no one actually knows whether my house has heritage value or not. No one can really know the value of my property until I apply to get it off the schedule, which I apparently can only do by asking for a permit for demolition and submitting plans for a new house. The resulting uncertainty as to value and status is very unfair. I'm not planning to sell my house in the near future, but what if circumstances change? I will be in a very difficult position.

I also find it distressing and somewhat puzzling that there was virtually no consultation by the City with the affected homeowners. The public hearing was dominated by heritage proponents and there were meaningful responses by the City to the concerns of the homeowners. Those concerns have been ignored.

In addition the City has refused to provide compensation to homeowners, and with these amendments is continuing to refuse to provide compensation, thereby taking value away from homeowners, while appropriating for itself the benefit of heritage conservation, should there be any.

Making amendments to a Bylaw that is void does not make the bylaw valid. The Bylaw should be repealed. If the City wants a heritage conservation area then start again and do it properly, do a proper heritage review of all 317 houses. consult with the stakeholders and if there is heritage value in some houses then pay compensation to those owners.

Yours truly,
Mary Ann Cummings

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:03 AM
To: Public Hearing
Subject: FW: Opposition to First Shaughnessy Conservation Area and amendments

From: Genni Gunn s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 9:53 PM
To: Correspondence Group, City Clerk's Office
Subject: Opposition to First Shaughnessy Conservation Area and amendments

Dear Mayor Robertson and City Council,

This is to inform you that I am vehemently opposed to the proposed First Shaughnessy Conservation Area and its amendments.

Unfortunately, in our democracy people in responsible positions sometimes use a net approach to solve problems. Subsequently, these wrongs have been righted.

It is time for our city council to step back and examine the net they have thrown over the First Shaughnessy District in their declaration that all homes built before 1940 have heritage value, and to comprehend the subsequent effect of this to the homeowners of this district.

I have read your recent amendments to your net approach and find it not addressing the basic negative effects of the wide net the council has thrown.

You speak of the special street landscape, the quiet neighbourhood, the elegance of the front 3rd of the landscape, and show examples of beautiful heritage homes. However, I wonder how in the world that description fits many of the pre-1940 homes. It is like fishers who throw a large net inside of which they catch some of the fish they want, but also trap many other unwanted species.

In using this net approach to capture true heritage homes in this district, you have caused many difficulties to those that do not fall into your heritage description. I live on Granville street, near King Edward, and see none of that beautiful curved landscape you speak of, none of the quiet that you describe; our front yard consists of lawn and none of the layered greenery that you say defines the heritage value; our house has been built before 1940, but it does not have any of the special architectural features you describe. What am I doing in your net, and how many others have you trapped?

There are serious consequences of your actions on those who do not deserve to be there. To require us who do not belong, to have to fight our way out is anti-democratic and tramples our rights as a property owners. It is like negative billing, or guilty till proven innocent.

I have seen some beautiful new homes and others that were restored under the guiding hand of the planning department. Surely the council could have houses assessed for heritage designation and compensate the owners as per the City Charter. Many of the other concerns could be addressed with tighter regulations.

It is time to take a second look and a new direction, change the current “net” approach, and put in place a fair approach for all.

Respectfully submitted,
Frank Hook
Registered Owner

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:03 AM
To: Public Hearing
Subject: FW: Opposed to First Shaughnessy Heritage conservation area

From: Genni Gunn s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 10:16 PM
To: Correspondence Group, City Clerk's Office
Subject: Opposed to First Shaughnessy Heritage conservation area

Dear Mayor Robertson and City Council,
This is to inform you that I, as owner of a property in First Shaughnessy, vehemently oppose the proposed First Shaughnessy Heritage Conservation Area.

We have lived in our house at on Granville St. for the past fifteen years, and although our house was built pre-1940, it has never been on the Vancouver Heritage Register. It is difficult to understand why, suddenly, all pre-1940 houses in our area should be given Heritage status, without any discretion to architectural merit.

If in fact, all pre-1940 houses are now suddenly heritage material, why isn't all the Vancouver affected? Let us see the response from the rest of the city who might suddenly find themselves losing as much as 30% of their property value, without any compensation.

Heritage designation should be given only to those homes that are architecturally important, and their owners should be appropriately compensated for the considerable loss of income. Appropriate amendments to the existing 1st Shaughnessy Development Plan would easily address issues of concern: abandoned houses, building footprints, etc. The pre-1940 house owners you've targeted are already conserving their properties. That's why we have pre-1940 houses. I feel the new plan is nothing more than a way to densify Shaughnessy – thus ruining its character – and doing so on the backs of owners, like myself, who have already been maintaining their properties.

City Hall has made these decisions without consulting the home owners. We have been **informed of the changes**, rather than being **part of the decision-making** of these changes. At the last public hearing on this subject, although there was an overwhelming amount of people speaking against the designation, the council passed it unanimously. Obviously, the public hearing really was only that – the public hearing what Council had already decided.

This entire process has displayed an alarming abuse of power, lack of respect, and disregard for the legal rights of property owners.

Yours truly,

Genni Gunn
Registered homeowner

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:16 AM
To: Public Hearing
Subject: FW: FW: Re Proposed Amendments to the Bylaws associated with First Shaughnessy HCA ("Bylaws")

From: Richard Sirola s.22(1) Personal and Confidential
Sent: Tuesday, February 23, 2016 9:14 AM
To: Correspondence Group, City Clerk's Office
Subject: Fwd: FW: Re Proposed Amendments to the Bylaws associated with First Shaughnessy HCA ("Bylaws")

----- Forwarded message -----

From: Nicole Clement s.22(1) Personal and Confidential
Date: Tue, Feb 23, 2016 at 9:06 AM
Subject: FW: Re Proposed Amendments to the Bylaws associated with First Shaughnessy HCA ("Bylaws")
To: Richard Sirola s.22(1) Personal and Confidential

Dear Major and Counsel -

I am an owner of a pre-1940 home in First Shaughnessy and therefore directly effected by the Bylaws. I strongly object to the proposed amendments to the Bylaws based on my prior objection that the Bylaws are fatally flawed from inception. The Bylaws' blanket designation of the pre-1940 first Shaughnessy homes as protected property ("Pre-1940 Homes") is an expropriation of my private property rights and those of 316 fellow homeowners. These Bylaws are in effect an expropriation without due process and without any compensation.

By the City's own admission and as noted in the Coriolis Report, the City knew that the Bylaws would negatively effect the values of the Pre- 1940 Homes yet proceeded without appropriate care and concern for the effected property owners who the City knew would be suffer harm by the passing of the Bylaws.

The process leading up to the passing of the Bylaws was seriously misleading. The Luxton report (a report requisitioned by the City and the basis on which the City passed the Bylaws) lead the public to believe that there had been an in-depth analysis of the heritage value and character of each of the Pre-1940 Homes identified in the schedule to the OPD. Furthermore, the homeowners and public were lead to believe by the City that it had performed the due diligence necessary to determine each Pre-1940 house could be property identified on the OPD list based on its heritage value and character. I have specifically requested from the City copies of the documentation on which the City based its valuation of my house as having sufficient heritage value and character to be named on the ODP list. The City is unable to produce such documentation for my house and those of other homeowners as it does not exist and the City has admitted that they have not performed this research and analysis which was essential as the foundation of the Bylaws.

Given the very serious financial impact on the homeowners of the Pre-1940 Homes, it should have been incumbent upon the City to PROVE that each Pre-1940 Home was of sufficient heritage value and character prior to being identified as protected property and NOT JUST ASSUMED BY THE CITY. Moreover, I strongly object to the City's assumption that all 317 Pre-1940 Homes were of sufficient heritage value and

character to be designated as protected property BASED ON AGE ALONE. I and my fellow homeowners are in an untenable position where we do not know if we can or cannot have our homes taken off the OPD Schedule of Protected Heritage Property which means we really do not know the status or value of our property and be assured there is a significant price differential that has been created between pre- 1940 and post-1940 houses in First Shaughnessy.

Furthermore, it is outrageous that the City has placed all the expense on the HOMEOWNER to rebut the City's unsupported presumption that these Pre-1940 Houses are of sufficient heritage value and character by requiring us to retain experts, etc. and present materials to the Director of Planning (who is not an heritage expert). (The City in its materials has not even considered how expensive this process would be for homeowners and taken that into consideration). Moreover the new proposed procedure in Appendix F requires homeowners to make an application for demolition as a precondition which may not be the motivation of the homeowner as they may simply want certainty.) In addition, the City is denying the pre-1940 homeowners the right to apply to the Board of Variance to review the Director's decision - and it appears we are the only homeowners in the City who are denied this right. The City has shifted all the costs of both heritage evaluation AND heritage conservation to private homeowners. These private homeowners, who are also your constituents, are innocent bystanders many of whom have invested their life savings in their homes to see their value eroded by a City who is refusing to compensate homeowners while appropriating the supposed benefit of heritage conservation.

Moreover, the Offences and Penalties clause Section 606 is truly offensive stating that it is potentially an offence for which a person can be IMPRISONED OF UP TO 2 YEARS if they act without a heritage alteration permit.... which is completely outrageous and very likely not enforceable given it is virtually impossible to know what you can and cannot do without going to the Director of Planning in virtually every instance which is a practical impossibility!

Nicole Clement

Please visit the following website to read the Computershare legal notice:

<http://www.computershare.com/disclaimer/americas/en>

Veillez visiter le site Web suivant afin de prendre connaissance de l'avis juridique de Computershare:

<http://www.computershare.com/disclaimer/americas/fr>

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Monday, February 22, 2016 3:29 PM
To: Public Hearing
Subject: FW: "Public Hearing: First Shaughnessy Heritage Conservation Area."

From: karenheaps s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 3:05 PM
To: Correspondence Group, City Clerk's Office
Subject: "Public Hearing: First Shaughnessy Heritage Conservation Area."

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or liveability, it destroys greenspace and in many affected areas decreases density. This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

karen heaps

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Monday, February 22, 2016 5:26 PM
To: Public Hearing
Subject: FW: Public Hearing: First Shaughnessy Heritage Conservation Area

From: Josh Hildebrandt s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 5:21 PM
To: Correspondence Group, City Clerk's Office
Subject: Public Hearing: First Shaughnessy Heritage Conservation Area

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or liveability, it destroys greenspace and in many affected areas decreases density. This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

With sincere thanks,

Josh Hildebrandt + Kirsten Toren

s.22(1) Personal and Confidential

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Monday, February 22, 2016 4:08 PM
To: Public Hearing
Subject: FW: First Shaughnessy Heritage Conservation Area

-----Original Message-----

From: Cheryl s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 4:07 PM
To: Correspondence Group, City Clerk's Office
Subject: First Shaughnessy Heritage Conservation Area

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or liveability, it destroys greenspace and in many affected areas decreases density. This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

Sincerely,
Cheryl McGregor

s.22(1) Personal
and Confidential

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Monday, February 22, 2016 4:08 PM
To: Public Hearing
Subject: FW: Public Hearing: First Shaughnessy Heritage Conservation Area

From: Helen Warn s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 3:59 PM
To: Correspondence Group, City Clerk's Office
Subject: Public Hearing: First Shaughnessy Heritage Conservation Area

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or livability, it destroys greenspace and in many affected areas decreases density. This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

Yours truly,

(Dr.) Helen Warn

Helen Warn, PhD

s.22(1) Personal and Confidential

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Monday, February 22, 2016 3:48 PM
To: Public Hearing
Subject: FW: Public Hearing: First Shaughnessy Heritage Conservation Area

From: Melissa Prystupa s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 3:43 PM
To: Correspondence Group, City Clerk's Office
Subject: Public Hearing: First Shaughnessy Heritage Conservation Area

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or liveability, it destroys greenspace and in many affected areas decreases density. This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

Regards,

Melissa Prystupa

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Monday, February 22, 2016 3:48 PM
To: Public Hearing
Subject: FW: Public Hearing: First Shaughnessy Heritage Conservation Area.

From: Dee Oh s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 3:42 PM
To: Correspondence Group, City Clerk's Office
Subject: Public Hearing: First Shaughnessy Heritage Conservation Area.

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada.

To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions.

Rampant demolition contradicts every city goal.

Let me repeat that, as nothing has been done to stop it:

Rampant demolition contradicts every city goal:

it is not green

it does not increase affordability or liveability

it destroys greenspace

and in many affected areas decreases density.

This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Monday, February 22, 2016 3:30 PM
To: Public Hearing
Subject: FW: Public Hearing: First Shaughnessy Heritage Conservation Area

From: mark boyter s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 3:21 PM
To: Correspondence Group, City Clerk's Office; Stevenson, Tim
Subject: Public Hearing: First Shaughnessy Heritage Conservation Area

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or livability, it destroys green space and in many affected areas decreases density. This by-law is crucial to the protection of the neighbourhoods that make Vancouver Vancouver from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

Sincerely,
Mark Boyter

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Monday, February 22, 2016 3:30 PM
To: Public Hearing
Subject: FW: Feb.23rd public hearing on changes to the First Shaughnessy Heritage Conservation Area Bylaw

From: jkidnie s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 3:06 PM
To: Correspondence Group, City Clerk's Office
Cc: Pickering, Jane
Subject: Feb.23rd public hearing on changes to the First Shaughnessy Heritage Conservation Area Bylaw

s.22(1) Personal and Confidential

February 22, 2016

Dear Mayor and Council,

This City deserves leadership that has courage: the courage to be strong in the face of opposition, and the courage to really look to the future. Replacing viable 'character' houses and allowing nation-wide standards to be ignored is not courageous. It is cowardly. The following is quoted from a letter sent to you by Caroline Adderson regarding the above subject. She speaks very well for many of us in this City.

"I am dismayed at the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada. To remove them from the First Shaughnessy HCA would weaken the first HCA and set a negative precedent for future HCAs. I do not support this (proposed) change."

"The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. If you refuse to stand up for your own by-laws now, I have very little hope that the upcoming Character Home Rezoning By-law will have any impact at all. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or liveability, it destroys greenspace and in many affected areas decreases density. This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines."

'Vision' is a wonderful word. I don't believe it applies to the group of individuals who represent the majority on Council in this City. Please consider its true meaning before voting on this proposed amendment to the By-law, as well as to future proposals which would see further loss of worthy history and character throughout the City. I do not support the proposed amendment.

Yours truly
Janet Kidnie

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Monday, February 22, 2016 3:29 PM
To: Public Hearing
Subject: FW: "Public Hearing: First Shaughnessy Heritage Conservation Area."

From: karenheaps s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 3:05 PM
To: Correspondence Group, City Clerk's Office
Subject: "Public Hearing: First Shaughnessy Heritage Conservation Area."

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or liveability, it destroys greenspace and in many affected areas decreases density. This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

karen heaps

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:00 AM
To: Public Hearing
Subject: FW: Amendments to Shaughnessy Heritage area

From: Margaret Doyle s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 5:32 PM
To: Correspondence Group, City Clerk's Office
Subject: Amendments to Shaughnessy Heritage area

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or liveability, it destroys greenspace and in many affected areas decreases density. This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

Please be aware that what you do now affects the potential for heritage tourism in the future, the identity of Vancouver itself and the ongoing trust of your stakeholders and constituents.

Sincerely,

A third-generation Vancouverite,

Margaret Doyle

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:00 AM
To: Public Hearing
Subject: FW: Support Heritage Conservation

From: Mary Coltart Evans s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 5:44 PM
To: Correspondence Group, City Clerk's Office
Subject: Support Heritage Conservation

Dear Mayor and Council:

Every day, as I walk through my longtime Dunbar neighbourhood, I see the devastation of wholesale demolitions on every block. Not only the destruction of good, liveable houses, but also of mature gardens and green spaces that are beneficial to the environment. What they are replaced with are houses on a much larger footprint, with larger garages, and the much smaller remaining area of the lot where garden once existed is now often mostly paved. For this to take place willy-nilly, in a supposed "Green City", demonstrates either incompetence or hypocrisy.

I support the First Shaughnessy Heritage Conservation Area and am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. These standards and guidelines represent a set of conservation principals used by all levels of governments across Canada. To remove them from the First Shaughnessy HCA would weaken it, and set a negative precedent. I ask you to remember your mandate, and vote to retain the Parks Canada Standards and Guidelines.

Sincerely,

Mary Evans

s.22(1) Personal and Confidential

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:01 AM
To: Public Hearing
Subject: FW: HCA

-----Original Message-----

From: Fiona Lam s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 6:41 PM
To: Correspondence Group, City Clerk's Office
Subject: HCA

Dear Mayor and Council,

I strongly urge the City to retain the reference to the Parks Canada National Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law in the First Shaughnessy HCA. The Standards and Guidelines are an essential component to the Heritage Conservation Plan for Vancouver: they represent a consistent and coherent approach that has been supported from coast to coast in our country. To remove them from the First Shaughnessy HCA would set a dangerously negative precedent for future HCAs.

My former colleague, Bill Bulhofer, a specialist in municipal law, has stated publicly that those who are trying to sue the city for compensation haven't a leg to stand on in a recent Globe & Mail article.

Please do not let the threats of unfounded lawsuits undermine your commitment and resolve to protect our city's fine old buildings.

Please continue to take a strong stand against the rampant demolition that persists unabated, causing untold waste and greenhouse gas emissions. This destruction has harmed affordability or liveability, diminished essential greenspace and density. This by-law is crucial to the protection of neighbourhoods from demolition.

Yours truly,

Fiona Tinwei Lam

s.22(1) Personal and Confidential



Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:02 AM
To: Public Hearing
Subject: FW: Proposed amendments to the First Shaughnessy HCA

-----Original Message-----

From: Margaret Gardiner s.22(1) Personal and Confidential
Sent: Monday, February 22, 2016 8:52 PM
To: Correspondence Group, City Clerk's Office
Subject: Proposed amendments to the First Shaughnessy HCA

Dear Mayor and Council of the City of Vancouver,

I urge you to support the full retention of the First Shaughnessy HCA and to retain/uphold the Parks Canada Standards and Guidelines for Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all level of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

I live in a 100 year old house in Point Grey. I am very concerned and saddened by the rate of demolition in our city and I implore you to find ways to retain our viable older buildings and gardens.

Please stand firm in your original decision.

Sincerely,
Margaret Gardiner

s.22(1) Personal and Confidential

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:02 AM
To: Public Hearing
Subject: FW: Opposition of removing Parks Canada Guidelines

-----Original Message-----

From: s.22(1) Personal and Confidential

Sent: Monday, February 22, 2016 9:03 PM
To: Correspondence Group, City Clerk's Office
Subject: Opposition of removing Parks Canada Guidelines

I OPPOSE REMOVING THE PARKS CANADA GUIDELINES FROM THE FIRST SHAUGHNESSY HERITAGE CONSERVATION AREA.

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all levels of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or liveability, it destroys greenspace and in many affected areas decreases density. This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

Thank-you,
Kellee Roque

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 11:39 AM
To: Public Hearing
Subject: FW: First Shaughnessy - Pre-1940 zoning changes

-----Original Message-----

From: Daisy Lam s.22(1) Personal and Confidential
Sent: Tuesday, February 23, 2016 11:36 AM
To: Correspondence Group, City Clerk's Office
Cc: Public Hearing
Subject: First Shaughnessy - Pre-1940 zoning changes

Dear Mayor Roberson and city council,

I'm an owner and resident of First Shaughnessy. I strongly oppose to the city Zoning and Regulatory Changes to the First Shaughnessy District. Simply because this is a freehold land and Canada being a democratic country, City Hall cannot take away our rights to our properties without our consents. What City Hall needs is to reenforce or tighten the existing FSD building codes along side with First Shaughnessy Advisory Design Panel.

Yours truly,

Daisy Lam
s.22(1) Personal and Confidential

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 9:31 AM
To: Public Hearing
Subject: FW: February 23, 2016 Public Meeting on Shaughnessy Heritage Consultation Area

From: Moira Langley s.22(1) Personal and Confidential
Sent: Tuesday, February 23, 2016 8:40 AM
To: Correspondence Group, City Clerk's Office
Subject: February 23, 2016 Public Meeting on Shaughnessy Heritage Consultation Area

To: Vancouver Mayor and City Council
From: Moira Langley
Re: Public Consultation on Heritage Conservation Area
Date: February 23, 2016-02-23

Regarding the February 23, 2016 Public Meeting on the Shaughnessy Heritage Conservation Area: please stick to the same laws recognized in all other Heritage Conservation Areas in the province. I am devastated every time I see a Vancouver heritage house bulldozed and dumped in the landfill. Please don't pass anything that would water down the protection that the HCA affords to the heritage houses in Shaughnessy.

Thank you.

Moira Langley
s.22(1) Personal and Confidential

(Resident of Vancouver and Richmond for 47 years)

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 11:10 AM
To: Public Hearing
Subject: FW: Public Hearing Feb 23 - 6pm
Attachments: Heritage Feb16.docx

From: Alexa Allen s.22(1) Personal and Confidential
Sent: Tuesday, February 23, 2016 10:56 AM
To: Correspondence Group, City Clerk's Office
Subject: Public Hearing Feb 23 - 6pm

Dear Mr Mayor and Council,

re: February 23, 2016 - 6pm meeting

re: property located at s.22(1) Personal and Confidential

My elderly parents have asked me to once again write you. They received the notification of Public Hearing Feb 23, 2016 regarding amendments to the heritage conservation area development and related by-laws.

They have ONE COMMENT and ONE QUESTION!

You know nothing about their home and you say you have the right to dictate what can be done with their property after they have owned it for 50 years? Please read below to understand their circumstances.

Why did you not apply this to every home built pre 1940 in Vancouver? Our guess, **votes** and this would probably cause a huge demonstration at city hall as those on the east side and other west side areas would not be able to sell their homes for the profit they are receiving now. Many of these homes are being taken down and rebuilt or will be in the future!!!!

Below is my parent's initial letter to you.

My father is 95 and my mother 85. They have resided in First Shaughnessy for 60 years, 50 years at their present home.

My parents reaction to this proposed Heritage by-law was one of utter disgust. My mother's first words were what right does the city have to tell her what can be done with her property.

I believe their home was built somewhere around 1930. It is concrete exterior with interior plastered walls and a flat roof. A similar style home is Villa Russe on the Crescent. This house is in its original state. They have not altered the interior. As the years have progressed it has become an expensive proposition to keep this house in repair. Due to the nature of its construction, it suffers extensive leaks, electrical and plumbing issues. The exterior concrete shell is full of major cracks which are filled. All repairs are bandaid solutions. The cost to bring this house to today's standards is prohibitive. It would cost considerably more to try and repair the roof and interior then to rebuild. I have spoken with builders who have said they would never want to attempt a major renovation on such a house. This being said, if the heritage by-law were to pass, my parents property would be considerably devalued and difficult to sell.

I read on your website many of the letters that are in favor of this heritage by-law. I only noticed 3 who stated they lived in Shaughnessy and were in support of this bylaw however one did indicate as long as her property price was not affected. It looks like atleast 95 % who are in favor do not live in Shaughnessy – very easy for them to express an opinion when they are not subject to any financial repercussion.

My parents and I suggest that if you want to move along with a 'heritage' designation of properties in the area, take a look at what is heritage. Secondly, we do not want an infill or secondary home on the property. It is an assumption that everyone can afford to do this or would want an infill.

My parents were immigrants to Canada. They have done more than their fair share to thank Canada and Vancouver for the wonderful life they have led through their philanthropy within the community. Matter of fact, First Shaughnessy is host to a large community who has given more than any other to Arts, Health and Education in Vancouver. My parents like any other citizen in Vancouver should have the right to obtain top dollar for their home.

Shame on you Mr. Mayor and Council for proposing this by-law. What a sad end for my parents to be forced to contend with towards the end of their lives...

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 1:40 PM
To: Public Hearing
Subject: FW: First Shaughnessy HCA

From: Bob Angus s.22(1) Personal and Confidential
Sent: Tuesday, February 23, 2016 1:39 PM
To: Correspondence Group, City Clerk's Office
Subject: RE: First Shaughnessy HCA

Dear Council

I realize that it is pointless to try and convince anyone in the Vision Party of anything.

However, I do have hope that the NPA and the Green Parties may realize the incredible mistake that they have made in approving the HCA in September, last year.

The proposal was made with almost no consultation with the affected parties (i.e. the pre-1940 homeowners), and violates the fundamental right to ownership of one's own property. In the event that there is great public need to override this right, compensation is normally provided.

In this case, there is no compensation. This is called theft.

Once the government condones theft, the repercussions will be massive.

How can a government expect people to act honestly towards it, if it does not act honestly with them?

Robert Angus
s.22(1) Personal and Confidential

This email has been sent from a virus-free computer protected by Avast.
www.avast.com

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 2:09 PM
To: Public Hearing
Subject: FW: First Shaughnessy Heritage Conservation Area ("FSHCA") – Amendments Regarding the Heritage Conservation Area Official Development Plan and Related By laws
Attachments: Scan Feb 23, 2016, 2.58 PM.pdf

From: s.22(1) Personal and Confidential
Sent: Tuesday, February 23, 2016 2:07 PM
To: Correspondence Group, City Clerk's Office; Hildebrandt, Tina
Subject: First Shaughnessy Heritage Conservation Area ("FSHCA") – Amendments Regarding the Heritage Conservation Area Official Development Plan and Related By laws

Please see attached letter from George Winkler regarding the FSHCA and his opposition to the proposed By-laws and their amendments.

Thank you.

Dear Mayor Robertson and Council,

I have lived in First Shaughnessy for more than 35 years and I have raised my children there. I am against the proposed Heritage Conservation Area Official Development Plan and the related By-laws and their amendments designating First Shaughnessy as a Heritage Conservation area.

The following are some of the reasons why I am against the By-laws and their amendments:

- Many of the pre-1940 homes in First Shaughnessy are not deserving of heritage status in any way; will the arbitrary 1940 cutoff be indexed each year going forward from 2015? By 2035 will the cut-off be 1970?
- Remodeling or preserving a home with Heritage status is more costly than building a new home; this in turn has negatively affected the market value of the pre-1940 homes to the benefit of the post-1940 homes. The arbitrary construction date chosen by the City has caused neighbors to turn against each other;
- Public buildings and spaces are one thing, but the City should not be allowed to place Heritage restrictions on private family homes without the owner's consent ;
- The City cannot expect to place Heritage status on homes without significant financial compensation to the owner; and
- Preservation of First Shaughnessy can be done through improvement of parks, boulevards and traffic patterns etc. Congested street parking near Oak Street and West King Edward (on Balfour and/or Laurier) is one example of how the neighborhood has diminished. Packed street parking has made it unsafe to drive or bike on these streets as there is often no way for two cars to pass without one of them reversing for a significant distance.

In closing, I have been a taxpayer for almost four decades contributing to this neighborhood, and now that I am approaching my later years, my home's value has been negatively affected by these restrictions. I greatly fear what these proposed restrictions will further do to the enjoyment and freedom of my personal home for myself and my family.

Thank you.

Sincerely,

s.22(1) Personal and Confidential

George Winkler

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 2:17 PM
To: Public Hearing
Subject: FW: Public Hearing: First Shaughnessy Heritage Conservation Area.

-----Original Message-----

From: Thea Speicher s.22(1) Personal and Confidential
Sent: Tuesday, February 23, 2016 2:16 PM
To: Correspondence Group, City Clerk's Office
Subject: Public Hearing: First Shaughnessy Heritage Conservation Area.

Dear Mayor and Council:

As a supporter of the First Shaughnessy Heritage Conservation Area -- a much needed and hard-won protection which earned the unanimous support of council -- I am opposed to the proposal to remove reference to the Parks Canada Standards and Guidelines for the Conservation of Historical Places in the Official Development Plan By-law. The Parks Canada Standards and Guidelines represent a set of conservation principals used by all levels of governments across Canada. To remove them from the First Shaughnessy HCA would weaken our first HCA and set a negative precedent for future HCAs.

Last year Vancouver lost 974 livable single family homes and duplexes. The HCA in First Shaughnessy was the first important success of the Heritage Action Plan that has otherwise completely failed in its objective to reduce character home demolitions. Rampant demolition contradicts every city goal: it is not green, it does not increase affordability or liveability, it destroys greenspace and in many affected areas decreases density. This by-law is crucial to the protection of neighbourhoods from demolition. Please remember your mandate and vote to retain the Parks Canada Standards and Guidelines.

Don't water down the HCA.

Sent from Thea's iPad

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Tuesday, February 23, 2016 4:04 PM
To: Public Hearing
Subject: FW: Heritage Conservation Area Bylaw and Proposed Amendments

From: Jonathan.rubenstein s.22(1) Personal and Confidential
Sent: Tuesday, February 23, 2016 4:01 PM
To: Correspondence Group, City Clerk's Office
Subject: Heritage Conservation Area Bylaw and Proposed Amendments

Dear Mayor and Council:

I have lived at s.22(1) Personal and Confidential in the First Shaughnessy District, (FSD), for over 26 years. My wife and I have invested a small fortune into our property, much of what we earned over the years, starting when we moved into it in 1989. We love our house. As is the case with most Canadian home owners, our home is also our most important asset and a major store of our wealth.

The original Heritage Conservation Area By-law and Official Development Plan, (HCA), was passed by Council following a 15 month moratorium on demolition of buildings in FSD pursuant to Division (3) of the City Charter, and a series of public hearings. My wife and I participated in the public hearings in the good faith expectation that Council would consider our written and oral submissions, (incorporated here by reference), and those of other concerned home owners, and would make responsible and well considered decisions in selecting properties in FSD for heritage protection. We naively expected that Council would act with care. After all, such protection imposes special restrictions on owners' use and enjoyment of their properties, as well as special burdens and costs. I use the word "special" here to denote restrictions, burdens, costs and value losses which are not applicable to the owners of homes which are not "protected". As well, as clearly shown in the Coriolis Reports filed by the City in the course of the public hearings, these special impositions reduce property values. The preservation of properties also affects the rest of us in our neighbourhood. Judgment is required. In the HCA as originally passed, however, Council "protected" 317 properties for their alleged heritage character and heritage value, with no inquiry into the actual heritage merits of the properties so "protected".

The City has taken the morally questionably and legally arguable position that its "protection" of these properties, for the alleged good of the community at large, can be done without compensating the actual owners for the special restrictions, burdens, costs and value losses imposed on them.

My wife and I and a number of other home owners whose properties were "protected" considered that the process for the creation of the HCA was deeply flawed and that the imposition of this "protection" without compensation is an offensive, and in the circumstances, a careless use of an extraordinary power. We have commenced proceedings to have the HCA declared invalid or in the alternative to establish a right for owners to use the compensation provisions in the City Charter applicable to designated heritage property.

As I noted above, the Coriolis Reports filed by the City in the public hearing, which were uncontroverted, showed clearly that owners were likely to suffer at least some lost property value as a result of "protection" of their properties. This is supported by the fact that sales of properties in FSD dried up following commencement of the moratorium and those that have occurred since achieved prices that are lower than comparable sales for comparable properties not so "protected". It is against natural justice for any government to deprive a subset of citizens of their property value and their rights without compensation.

More importantly, it is against the principles of natural justice and citizens' fundamental rights for a government to wield power carelessly and without a robust process. And thus it is that the most abhorrent aspect of the process by which the HCA was passed relates to the arbitrary and cavalier manner in which the listed properties were selected for "protection".

During the bulk of the time the public hearing was underway, the City purportedly relied upon a heritage report to establish the heritage aspects underpinning the HCA. It was completed by Donald Luxton & Associates and the law firm of Young and Anderson and was filed by the City in May of 2015. Clearly, this report was portrayed as a foundational document in the hearing process. The heritage characteristics of the FSD set out in the HCA were lifted wholesale from this report, as was the list of "protected" properties scheduled to the HCA. But, as it has turned out, this report appears to have been grossly misleading and to have had the effect of undermining the integrity of the entire public hearing.

The steps Luxton et. al. claimed to have undertaken for the City to identify and recommend properties for heritage protection were described in detail in Schedule C to their report, where it was represented that there had been a comprehensive, substantive and fulsome process. I set out the description from the report here verbatim:

*"An exhaustive process involving each parcel of land has led to a conclusive list of properties recommended for inclusion in the HCA schedule. These pre-1940 sites **define the architectural and heritage character of First Shaughnessy** and should form the collection of sites that are to be protected as part of the new HCA legislation. A variety of sources were utilized throughout the research process, including historic CPR Plan Approval books, newspaper articles, permit databases, architectural plans, archival fonds and other historical publications. **A research profile has been developed for each site appearing on the recommended properties list.***

*"The process has **updated and confirmed the merit** of those sites appearing on the existing 1994 Heritage Inventory (part of the current FSODP). Current research has uncovered seven additional pre-1940 sites that were not listed on the original 1994 Heritage Inventory; these additional pre-1940s sites **maintain a level of historic integrity** that warrants their inclusion on the recommended list. Additionally, forty-three houses have been removed from the 1994 Heritage Inventory, most of them demolished between 1994 and 2015. The final recommended list consists of 317 pre-1940, **meritorious sites that each contribute to the historic character of First Shaughnessy.** A small number of these sites have been significantly and/or unsympathetically altered, however these sites have been included so that they may one day be restored."*

(emphasis added).

Shockingly, and quite contrary to these representations, no heritage merits assessments whatsoever have ever been completed on any of the 317 properties now "protected", except for a handful which were historically designated as heritage properties.

In September of 2015, one day before the last day the public hearings, the City filed a Memorandum revealing that Luxton et al had not, in fact, been engaged to undertake any heritage merits assessments. City staff cleverly avoided stating that no merits assessments had been done by Luxton et. al., (or anyone else), they just said that Luxton's engagement did not cover merits assessments. The City purported to fall back on a 1994 Heritage Inventory, implying that merits assessments had been done for that. But as set out by Mr. Richard Keate, a well known heritage proponent, said in a note to me:

"... there was a Shaughnessy Architecture and Landscape Inventory which was updated in 1994 and your house is on the list - but not with a grading -A,B, or C. The lack of grading means to me that city staff had not carried out a full assessment of its character but that the date flagged it for consideration by heritage staff should you enquire at Planning. In short the list is to alert staff as to its possible heritage merit."

Clearly, the Inventory involved no actual heritage assessments, either.

In the court pleadings filed by the City in late January, 2016, in our proceeding, the City finally came clean. It stated that no heritage merits assessments had been undertaken on the 317 properties because that work would have been too expensive and time consuming. The properties had been listed "presumptively". As to the time, the City had ample time to do assessments during the 15 month moratorium. But it squandered this time and another moratorium cannot be used again for 10 years. The City just arbitrarily and summarily determined that every pre-1940 building in FSD has sufficient heritage merit to justify its conservation, with no evidence. This does not meet the required standard.

The intents of the HCA are listed at the beginning of the HCA itself. A key intent is:

"e) to designate as protected heritage property those buildings, structures, lands or features that, **in the opinion of Council**, have sufficient heritage character or heritage value to justify their conservation;"

(emphasis and underlining added)

This language is lifted from the City Charter itself.

Clearly this basic intent of the HCA puts an onus on Council to complete a proper qualitative assessment of the heritage aspects of properties and then to form a reasonable opinion that such aspects justify conservation, all before "protecting" them. Restrictions on private property rights and the imposition of special costs and duties come with the designation, and presumably this is what must be considered when measuring the 'sufficiency' against the 'justification'. Without any review of heritage merits of most of the 317 properties,

there was nothing to give qualitative substance to any such assessment, and nothing upon which a proper qualitative consideration of sufficiency or justification could be completed. Council just presumed that there was sufficient heritage merit to justify the use of the protective power, without looking. This cannot be enough to meet the stated standard for the exercise of the protective power. In the end, Council has acted arbitrarily, wantonly and in careless disregard of the rights of its citizens.

Interestingly, the report by Luxton et. al., which is the only available material which says anything on the record of the public hearing about the heritage characteristics of buildings in FSD, works against Council's presumption that all of the 317 properties are meritorious. A number of the properties listed, including ours, were built after the 1929 crash. All Luxton et. al. say about the decade between 1929 and 1939 is that FSD fell into a horrid and decrepit state and was known as mortgage heights and that house values were literally decimated. There is nothing to sustain any notion that buildings constructed in this decade might have heritage value or heritage character.

In the proposed amendments of the HCA, the City sets out a requirement that owners demonstrate that their properties no longer retain sufficient heritage merit if those owners want to get their properties off the schedule of protected properties. Taken on its face, all pre-1940 buildings in FSD have already been determined by Council to have the necessary heritage merit. That is more than a presumption: an opinion as to the sufficiency of heritage merit to justify conservation is a precondition for Council's use of the protective power. And what Council has done gives rise to an absurdity, in that any such owner is now called upon to prove an impossibility: that somehow his or her building has lost its pre-1940 status. This apparent absurdity actually exposes that the heritage issue is confused by the use of the pre-1940 test. The test for conservation should not be the year of construction of the building, but rather the actual heritage character and heritage value of the building.

The amendments effectively shift the onus from the requirement that Council must form the considered opinion that a building's heritage merit is sufficient to justify its conservation before the protective power is applied, to one in which an owner is required to prove, after the "protection", that the building's heritage merit is not sufficient to justify conservation. The owners must prove this to the very authority that imposed the "protection". Not only does this have it exactly backwards, there is a real apprehension that the designated decision maker is biased, another breach of natural justice. All of this is antithetical to what one has the right to expect in a free and democratic society and in the use of government authority. It also looks like a construct by the City to get a new moratorium before it is allowed.

Why is all of this important? The pre-1940 test has been adopted as a rallying point by some of the more vocal amateur heritage enthusiasts, as if it was proof of heritage character or heritage merit. As shown, it is no such thing. In fact, the use of this as a test of heritage trivializes the entire heritage initiative.

A significant number of the pre-1940 properties among the 317 are without any heritage character or heritage value at all, let alone sufficient merit to justify their conservation. Pictures of some of them on or near my block were attached to my September submission. They are unexceptional houses, or merely old ones, and/or they are a burden on their owners. Other houses, like ours, are lovely now, but will over time become anachronisms as tastes and needs change, or they will become too costly for a family to maintain. In the meantime they will be worth less than comparable houses that are not "protected". The entrenchment of this pre-1940 test has resulted in the thoughtless application of the "protection" power and the pointless violation of the rights of the owners. It threatens to freeze our neighbourhood in time, stifle proper neighbourhood renewal, cost the owners money, direct investment elsewhere, and ultimately foster the decay of the neighbourhood, not its preservation.

For those properties which do merit conservation, (which must be selected judiciously), there is no rationale for imposing the burdens of their "protection" on their owners. If we are to appropriate an aspect of ownership for the public good, the public should bear the costs. That is what is normally contemplated in any other expropriation.

There are many, many other flaws in the HCA and the amendments and the drafting is confusing, prolix and internally inconsistent. The amendments only serve to worsen the HCA scheme. Since the matter is before the Court, I will wait until I am before an objective tribunal to say more, other than to suggest you heed the adage that when one finds oneself in a hole, one should stop digging.

I do not expect the present hearing process to be fair or objective or that anything about it will influence Council in respect of the amendments. I make this submission and will address the hearing only because someone has to speak for reason and balance, no matter how vain the effort.

Respectfully submitted,

Jonathan Rubenstein

s.22(1) Personal and Confidential

