



# Corporate Report

NO: R272

COUNCIL DATE: November 1,

2004

---

## REGULAR COUNCIL

TO: Mayor & Council                      DATE: October 29,  
2004

FROM: General Manager,  
Planning and Development              FILE: 6800-01

SUBJECT: Temporary Protection for Martha Currie House at  
5731 – 182 Street

---

## RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Adopt a resolution under Section 962 of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended, (the "Act") ordering that the property located at 5731 182 Street (the "Property") and the Martha Currie House (the "Currie House") located on the said Property is subject to temporary protection for a period of 60 days, commencing from October 25, 2004, the date of application for a building permit to demolish the House;
3. Adopt a resolution under Section 965 of the *Act*, ordering that during the 60 day protection period referenced in 2 above, with respect to the Property and the Currie House located on the Property, that the following actions are prohibited:
  - alteration of the exterior of the Currie House;
  - structural changes to the Currie House;
  - moving the Currie House;
  - any damage of any fixture or features on the Currie House or Property; and
  - alterations, excavations or building on the Property; and
4. Direct staff to bring forward for Council's consideration, prior to the termination of the 60 day protection period referenced in 2 above, a by-law to amend the Official Community Plan (the "OCP") to designate the lands fronting 182 Street from Highway No. 10 to 58A Avenue (as illustrated on the map attached as Appendix "A") as a Heritage Conservation Area.

## INTENT

The purpose of this report is to obtain a Council order that will provide 60 days of temporary protection for the Currie House located on the Property, which will allow staff the opportunity to complete the heritage assessment of the Currie House, to work with the owner toward providing permanent heritage protection for the Currie House, to bring forward a further report to Council on the results of that assessment and the further dialogue with the owner and to prepare and forward for Council's consideration, an OCP amendment that will act to designate the 182 Street corridor as a Heritage Conservation Area.

## BACKGROUND

In January 2003, Council considered Corporate Report No. C003, regarding the Surrey Heritage Management Plan (the "HMP"). One of the implementation actions associated with the HMP included a public consultation process related to establishing a Heritage Conservation Area along 182 Street, between Highway No. 10 and 58A Avenue and, subsequent to the public consultation program, to bring forward for Council's consideration, the details of such a designation area as part of the 2005 OCP annual review. The HMP also includes, in its implementation plan, the on-going review of properties in the City that could be added to the Surrey Heritage Register.

The Heritage Advisory Commission (the "HAC"), during this year, retained a heritage consultant to undertake the Phase 3 Heritage Register Review focussed on assessing a list of candidate properties for addition to the Heritage Register. The Currie House was one of among approximately 50 properties that the consultant determined has significant heritage value and heritage character. The map attached as Appendix "A", illustrates the location of the Currie House and photographs of the Currie House are attached as Appendix "B".

As part of the public consultation process related to the Phase 3 Heritage Register work, the City received about two dozen pieces of correspondence from residents in the area, urging that the Currie House be added to the Heritage Register. An open house was held on October 20, 2004, as part of the Phase 3 Heritage Register Review public consultation process, to allow the owners of properties being reviewed for addition to the Heritage Register, as well as other interested members of the public, to receive information about the 50 properties and about the ramifications of a property being added to the Heritage Register.

While the Phase 3 Heritage Register Review was in process, an inquiry was received by the Planning and Development Department about the potential development a two-lot site at 5753 and 5731 - 182 Street, owned by two separate owners, with the latter being recently purchased by a new owner and containing the Currie House. The individual making the inquiry was advised about the proposed establishment of the Heritage Conservation Area along 182 Street, including the subject sites and the need to preserve the Currie House.

On July 27, 2004, an application was submitted to the City for an eight lot subdivision which would allow the Currie House to be retained.

The application was supported by the HAC at its meeting on September 29, 2004, subject to a Restrictive Covenant being registered on title prohibiting the house from being demolished or renovated until a suitable heritage protection tool was approved by Council and that the design of houses on lots facing 182 Street have a complementary character. It was anticipated that this would allow the interior of the Currie House to be refurbished and modernized, while the applicant would be completing the other requirements related to approval of the subdivision and addressing heritage protection (e.g. a Heritage Conservation Plan forming part of a Restrictive Covenant or Heritage Revitalization Agreement) separately.

This process was consistent with the Phase 3 Heritage Register Review, related to adding the Currie House to the Heritage Register and designating the 182 Street area as a Heritage Conservation Area.

## **DISCUSSION**

### **Consideration of Temporary Protection**

A number of meetings were held with the agent and new owners of the Currie House after the development application for the Property was submitted. Options advanced by them included interior renovations, removal of a later addition, expanding the Currie House forward while retaining the same façade appearance and constructing a detached garage with space for a home business. The decision of the owners was to remodel a portion of the interior so that they could move in while the subdivision application was processed and pursue approval of any exterior changes to the Currie House at a later, unspecified time.

In a recent meeting with staff, the owners advised that they no longer are interested in having the Currie House added to the Heritage Register, citing unanticipated additional costs to remove hazardous insulation and wiring. They advised that they intend to either move or demolish the Currie House.

On October 25, 2004, the owners applied for a demolition permit for the Currie House and submitted an environmental consultant's report which included an analysis of the suspect building materials contained within the Currie House. A copy of the report is attached as Appendix "C".

## **Older Houses Pose Challenges Respecting Renovations and Code Issues**

A preliminary review by the City Architect and discussions with staff at the Lower Mainland Office of the Heritage Branch, indicate that the problems with building materials being encountered by the owners of the Currie House are not unique and have been overcome at modest cost by other homeowners for homes built in the same period as the Currie House, whether or not they are considered to be heritage buildings.

The Building Code offers some relaxations for recognized heritage buildings. As a result, the owners may benefit from having the Currie House placed on the Heritage Register, in addressing some of the construction issues and related costs associated with refurbishing the Currie House and that may have influenced their decision to pursue demolition. Financial assistance is available through the HAC if heritage protection (i.e., by way of a Heritage Designation By-law or Restrictive Covenant) is requested by the owners and approved by Council.

As noted earlier, the City, through the HAC has been reviewing, since the Spring of 2004, with the assistance of a consultant, properties to add to the Heritage Register. The HAC has accepted the consultant's findings and recommended in its minutes of July 21, 2004 (received by Council on July 26, 2004) that the Currie House be reviewed and added to the Heritage Register.

The new owners of the Currie House were invited to and attended the Heritage Register Open House held on October 20, 2004.

Architecturally, the Currie House is a very well maintained and charming, period revival, home, built for the Currie family. The land upon which the Currie House stands was subdivided in conjunction with the Cloverdale town site in 1903 and acquired by the Currie family in 1918. With respect to the Currie family, Martha Currie was known in Cloverdale for her community involvement. Her husband Abraham was municipal assessor for Surrey in the 1910s and 1920s. The Curries and their children played a role in local agriculture, including Hugh Currie, who became the owner of the house in 1940 and operated "The Flying Feather" egg farm through the 1950s.

On the advice of the HAC, Council approved the strategy of the HMP that the property along 182 Street (i.e., between Highway No. 10 and 58A Avenue), as illustrated in Appendix "A", be considered for designation as a Heritage Conservation Area. This designation proposal was based on the following factors:

- The high concentration of existing heritage houses on the Heritage Register or proposed to be added to it in this corridor; and
- At the time the HMP was prepared, 60 % of the residents supported the concept to designate the area and to protect and enhance the heritage character. The recent interest/correspondence expressed about the Currie House, suggests that support for a Heritage Conservation Area remains strong.

## **Temporary Protection**

The *Act* allows Council to issue a 60-day temporary protection order on one or both of the following grounds provided in Section 962 (1):

- A property is or may have sufficient heritage value or heritage character to justify its conservation; or
- Protection of a property may be necessary or desirable for the conservation of other property that may have heritage value.

Given that these grounds apply in this circumstance, Council may consider adopting a 60 day Temporary Protection Order to provide the City with the opportunity to complete the heritage assessment of the Currie House, related to its addition to the Heritage Register, to introduce an OCP amendment bylaw to establish a Heritage Conservation Area and to investigate and discuss possible remedial options in relation to the construction concerns the owners have encountered in the Currie House. A senior staff person of the Lower Mainland Office of the Heritage Branch has offered to meet with the new owners of the Currie House to lend his assistance on more technical matters, related to interior renovations.

During the period of the Temporary Protection Order, staff will continue to work with the owners, with a view to encouraging voluntary heritage conservation of the Currie House.

## Process and Effect of Temporary Protection Order

Section 962 of the *Act* gives Council the authority to order that real property can be subject to temporary heritage protection. A temporary protection order is given effect by Council resolution. Except for those works as may be authorized by Council in a heritage alteration permit, the order would specify the following with respect to the Currie House:

- Identifying the Property and the Currie House;
- Specifying the 60-day period (from the application date of the demolition permit being October 25, 2004);
- Prohibiting the alteration of the exterior of the Currie House;
- Prohibiting structural changes to the Currie House;
- Prohibiting moving the Currie House;
- Prohibiting any damage of any fixture or features of the Currie House; and
- Prohibiting alterations, excavations or building on the Property.

The legislation allows Council to specify types of alterations to the Property, allowed without obtaining a heritage alteration permit and establish policies regarding the issuance of a heritage alteration permit. However, as there is some urgency to proceed quickly to protect the Currie House, any application for a heritage alteration permit during this 60-day period can be reviewed on its own merits and forwarded to Council accordingly.

Legal Services has advised that the City should not incur legal liability as a result of an order made pursuant to Section 962 of the *Act*. By way of an order, Council can insure a demolition permit not be issued until it has sufficient information to consider whether or not to pass a resolution to add the Currie House to the Heritage Register and to take other action to protect the Currie House. If, during the 60 day period of temporary protection permitted by Section 962 of the *Act*, Council decides not to pass a resolution to add the Currie House to the Heritage Register, the City should not be liable for any damages resulting from the related delay in the issuance of a demolition permit.

If Council introduces an OCP amendment bylaw, to designate the 182 Street corridor as a Heritage Conservation Area, Section 963 (1) of the *Act* initiates a new 120-day temporary protection period beginning on the date of first reading of the by-law. This will allow for public consultation into the objectives, guidelines and procedures respecting the conservation of the heritage properties in the 182 Street corridor, including time for notification about and conducting a public hearing and for adoption of the Heritage Conservation Area designation by-law.

According to Legal Services, Council is entitled to consider having a Heritage Conservation Area implemented in any area of the City considered to have heritage significance. While the amendment process is underway, it is in the public interest for the City not to issue a demolition permit. If at the end of the process of consideration, the decision is not to adopt a Heritage Conservation Area, the *Act* does not specify that a property owner is entitled to compensation for any damages resulting from any delays experienced due to the additional 120-day temporary protection period.

It should be noted that the subdivision application for the Property is at a preliminary stage. A Preliminary Layout Approval has not yet been issued by the Approving Officer. The actual lot layout, building scheme for building design and character and the engineering servicing requirements are still under discussion. A development sign is not yet displayed on the site nor have pre-notification letters been mailed to the owners of neighbouring properties, as is the normal practice of the Planning and Development Department. The periods of temporary protection will not prevent the applicant, owners or their agents from pursuing the subdivision in the normal fashion, or for the City to continue processing the application.

## CONCLUSION

Based on the above discussion, it is recommended that Council:

- Adopt a resolution under Section 962 of the *Act* ordering that the property located at 5731 182 Street and the Currie House located on the said Property is subject to temporary protection for a period of 60 days, commencing from October 25, 2004, the date of application for a building permit to demolish the Currie House;
- Adopt a resolution under Section 965 of the *Act*, ordering that during the 60 day protection period referenced in 2 above, with respect to the Property and the Currie House located on the Property, that the following actions are

prohibited:

- o alteration of the exterior of the Currie House;
  - o structural changes to the Currie House;
  - o moving the Currie House;
  - o any damage of any fixture or features on the Currie House or Property; and
  - o alterations, excavations or building on the Property; and
- Direct staff to bring forward for Council's consideration, prior to the termination of the 60 day protection period referenced above, a by-law to amend the OCP to designate the lands fronting 182 Street from Highway No. 10 to 58A Avenue (as illustrated on the map attached as Appendix "A") as a Heritage Conservation Area.

*Original signed by*

Murray Dinwoodie  
General Manager  
Planning and Development

AK:saw

Attachments:

Appendix "A" Map Showing Location of Currie House and 182 Street Corridor  
Appendix "B" Photographs of the Currie House  
Appendix "C" Environmental Consultant's Report

v:\wp-docs\admin & policy\04data\10281620.ak.doc  
SAW 11/1/04 10:41 AM

Appendix "A"

Appendix "B"



Appendix "C"





















v:\wp-docs\admin & policy\04data\10281620.ak.doc  
SAW 11/1/04 10:41 AM