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September 24, 2019

To Your Worship and Members of City Council,

Re: Municipal Heritage Property Designation – Cook Residence, 3160 Albert Street

On September 30, 2019 City Council will consider a recommendation by its Administration to engage a consultant to undertake an invasive home inspection on the Cook Residence at 3160 Albert Street. Heritage Regina opposes this recommendation for a variety of reasons.

The invasive inspection recommendation is not binding but rather is an option for the City to consider. There is currently no requirement to consider the affordability of repairing or maintaining a property as part of the assessment of Heritage Value outlined in the Heritage Inventory Policy and the Thematic Framework used to evaluate Municipal properties. It is not reasonable to use projected financial costs of repairing or conserving the Cook Residence as the decisive factor in determining whether the property warrants a designation. By giving much greater weight to projected costs, this approach effectively diminishes the importance of the other elements used in evaluating the property. It also raises several questions: What constitutes a “feasible” cost of repairs or conservation and who decides that? If the costs are deemed to be “too high,” does that mean the property no longer has heritage value?

Accepting Option #4 adds an additional subjective factor to the process of designation that is not in the policy. It is not possible for Council to determine what is truly affordable for any property owner and therefore should not use taxpayer's resources to fund an inspection that every other homeowner would have had to pay for on their own. Mr. Lien could have negotiated an option to perform this type of inspection before purchasing the home, but he did not as he had no concerns about the integrity of the building envelope as he intended to demolish the building as soon as he took possession.

Further, in Option #4, the owner of the Cook Residence seeks to establish a financial formula to determine viability of preserving a heritage property. How does one citizen get the only voice on what would be a significant change to the newly established policy? Typically, changes to the policy would be proceeded by community and stakeholder consultations and a report with

recommendations based on research and evaluation of other communities for Council to consider. Accepting Option #4 and the owners accompanying requests undermines the democratic process and creates a precedence for future heritage evaluation that was not part of the original policy and therefore Option #4 does not align with the City of Regina's cultural plan.

Other options presented in the report before Council also present issues that Heritage Regina cannot support. Option #1 is not acceptable because the heritage value of the Cook Residence has been established through the application of the Heritage Policy and Thematic Framework so not designating the property negates the entire process and puts the validity of the policy and framework in question.

While Option #3 may seem like a compromise for the City and the owner, Heritage Regina cannot support an approach in which the inclusion and exclusion of Character Defining Elements hinges entirely upon considerations of cost and the preferences of the property owner. These two considerations do not lessen the heritage value of any one feature, and we question whether this approach would reflect the spirit and intent of the Heritage Inventory Policy. Performing extensive alterations which would affect the appearance of the East and South elevations of the property and the character defining elements of the roof run too great a risk of altering the heritage value of the property. For these reasons, we do not support the removal of the following items, which we believe to be crucial components of its character:

1. The location of the residence on the lot within the Lakeview neighbourhood as its current location within the neighbourhood is crucial to its heritage value.
2. Two story building height. Raising or lowering the height of the building without maintaining the current roof line and its historical elements negatively affects the heritage value of the residence.
3. Multiple gable roof lines and dormers are crucial heritage elements of this residence.
4. All window elements including leaded glass windows are also crucial character defining elements.
5. Front entry elements-are also character defining elements.

The heritage value of a property lies largely in the sum of its parts; removing bits and pieces alters its context and risks erasing its value altogether. The vague wording reflected in the list of items recommended to be removed, as well as the inclusion of the items "location of the residence on the lot within the Lakeview neighbourhood" and "two storey building height", leave the owner's intentions unclear and the fate of the Cook Residence in limbo.

Heritage Regina can only support Option #2. Our position is supported by our submission to the Provincial Heritage Review Board and by the following key points:

- "Regina's rich and diverse cultural heritage assets are a defining feature of the quality of life that Regina offers its residents. These resources are a source of civic pride and contribute to defining Regina's unique identity and sense of place." (*Regina Cultural Plan*, p. 32)
- Through the *Official Community Plan* and the *Regina Cultural Plan*, the City has established policies and objectives to identify and protect cultural heritage resources. It is not enough for these policies and objectives to exist only on paper. City Council has a responsibility to ensure they are put into practice.

- City Council tasked the Administration with developing guidelines and processes to identify properties of significant heritage value and make recommendations as to whether these properties should receive heritage designations. The Administration has determined that the Cook Residence has “substantial heritage value” and recommends designation for the property. (RPC19-4, City of Regina, January 9, 2019) City Council has a responsibility to support this recommendation.
- According to the Provincial Heritage Review Board, “if designated, the Cook Residence would be the only example of a Tudor Revival style single-family dwelling designed by the Van Egmond and Storey firm on the inventory of designated properties in Regina.” (*Saskatchewan Heritage Foundation Review Board Report*, May 2019, p. 4)
- The Saskatchewan Heritage Building Conservation Officer who toured the property in May concluded that the building is “of high quality and in good condition.” (*Saskatchewan Heritage Foundation Review Board Report*, p. 5) This finding is supported by the current City of Regina property assessment, which rates the building quality as Excellent.
- City Council cannot discount the heritage value of the Cook Residence solely because the current owners—after choosing to purchase the property—have determined that the potential costs of repairing or conserving the property are now beyond their level of financial comfort.
- Like all home buyers, the current owners of the Cook Residence had a responsibility to thoroughly inspect the property before they purchased it. They purchased the property “as is” and without conditions, suggesting they were satisfied with the state of the building. It seems that the condition of the property, and any potential costs of repair or conservation, became an issue for the current owners only after their demolition application was put on hold by the City and a heritage designation for the property became a real possibility.

It is the responsibility of the City to protect properties that have significant heritage value. It is not the responsibility of the City to rescue home buyers from purchase decisions they willingly make for themselves.

- Information revealed at the Provincial Heritage Review Board Hearing indicated that the current owners applied for a demolition permit only one day after the property was registered in their names, suggesting that the original intention of the current owners may have been to purchase the property—with its large, prominently situated lot—specifically for its development potential rather than its potential as a home.
- Homeowners do not have a blanket right to do whatever they like with their property. Their rights must be measured against the rights of other members of the community.
- “Under *The Heritage Property Act*, Council has the power to protect historic places from demolition or unsympathetic alterations.” (*Regina Cultural Plan*, p. 41). Because an application for demolition for the Cook property has already been filed by the current owners, denying a heritage designation for the home guarantees its destruction.
- The current property owners have options for the Cook Residence other than demolition.

(1) There are financial benefits available to them through the Heritage Building Rehabilitation Program.

(2) They have the right to sell the property. In March, Mr. Lien approached the President of Heritage Regina about locating a buyer. An interested party who was eager to secure a designation for the property was found. On two occasions, Offers to Purchase were presented to Mr. Lien by the interested party. Mr. Lien declined each offer without providing a counter proposal.

- With respect to the Provincial Heritage Review Board's recommendation of an additional home inspection,
- Further, the City has not been clear in its actions following the release of the Review Board's report in June. No reasons, for example, have been given to Heritage Regina—one of the proponents on behalf of the Cook Residence—as to why the City's decision regarding the designation of the property was delayed until the September 30th, 2019 City Council meeting. This lack of transparency on the part of the City is not acceptable.
- A city's identity and culture are defined, in large part, by what it chooses to protect and preserve for its own generation and for future generations. With respect to the Cook Residence, what is the City choosing to protect and preserve?

Is it choosing to protect the current owners from the financial costs they accepted when they decided to purchase the property—costs that could be offset by the Heritage Building Rehabilitation Program or eliminated by selling the property to a buyer eager to designate it?

Or is the City choosing to protect and preserve an important heritage property that is “a source of civic pride and contribute[s] to defining Regina's unique identity and sense of place”—a property that continues to speak of the cultural inheritance of our community?

- The number of heritage properties in Regina is finite. Each heritage property that is lost is gone forever. Too many times has a property been deemed disposable when weighed against the lure of progress and financial gain, and too many times has this decision been questioned and regretted by those with the benefit of hindsight. Oftentimes, in the pursuit of progress, we take an unintentional step backward.

For 90 years, the Cook Residence has showcased the remarkable architecture of Van Egmond and Storey and the work of their highly skilled craftsmen. It has been home to several community leaders who helped to shape our city. It continues to exemplify the grandeur of the streetscape developed by McCallum, Hill and Co. and is the impressive south entry to the Albert Street corridor leading to the Legislative Building and bordering its spacious grounds.

Erasing its legacy severely undermines over a century of effort from hardworking citizens and community-minded visionaries who believed that the city of Regina could be so much more than just a collection of buildings and roadways.

Without question, the Cook Residence fully merits a Municipal Heritage Property Designation. As members of City Council, it is your responsibility to act on the heritage policies the City

already has in place and support Option #2. It is imperative that you protect this significant heritage property by making its designation official.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackie Schmidt". The signature is fluid and cursive, with the first name "Jackie" written in a larger, more prominent script than the last name "Schmidt".

Jackie Schmidt
President,
Heritage Regina