



**MINUTES**  
**OAK BAY HERITAGE COMMISSION**  
TUESDAY, MAY 8 2018 AT 5:00 PM  
COUNCIL CHAMBERS, MUNICIPAL HALL, 2167 OAK BAY AVENUE

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**MEMBERS PRESENT**

Heather Cochran  
Marion Cumming  
Jane Hall  
Joan Heagle  
Susan Ross

Bronwyn Taylor  
Robert Taylor  
Pat Wilson  
Councillor Kevin Murdoch

**MEMBERS ABSENT**

Cairine Green

Cora Smith

**STAFF PRESENT**

Deborah Jensen, Acting Director Building and Planning.  
Krista Mitchell, Building / Planning Clerk

**OTHERS PRESENT**

Members of the Public: 8

**1. Call to Order**

The meeting was called to order at 5:00 pm.

**2. Adoption of Minutes**

It was moved and seconded that the minutes from April 10, 2018 be adopted.

The motion was carried.  
None opposed.

**3. Approval of Agenda and Late Items**

The agenda was approved as amended.

**4. Correspondence**

None

**5. Information Item**

None

## 6. New Business

- a) BP011083 – 599 Island Road  
To consider demolition of the heritage home.

D. Jensen gave a brief overview of the proposal to demolish the existing home:

- Heritage Commission previously considered proposed renovations to the home, as well as a development variance permit application for paved surface in the front yard; the development variance permit application was cancelled.
- Council approved the renovations to the interior of the home and the owners have since become concerned about seismic upgrades to, and the safety of the home.
- The home is not designated, but is on the Community Heritage Register, and is protected by a covenant that requires Council approval prior to removal of the home.

L. Shewring, owner, C. Walker, contractor, and M. Fingas, legal representative, presented the application. Some of the comments were:

- Structural upgrades being done with an approved building permit need to be compliant to BC Building Code as it applies to seismic capacity of the home.
- Assessment of the home was performed by Herold Engineering, who noted the current state of the home is at approximately 10% seismic capacity.
- Based on the engineering report the owners have deemed the home to be unfit for habitation and are not living in the home or renting it out. The owners would like the home 100% compliant to the BC Building Code for seismic capacity.
- Cost estimate to bring the home to 60% seismic capacity is approximately \$2,000,000, and 80% compliance would be approximately \$3,000,000.

### ***Commission Comments***

Commission members inquired if the home had been condemned, and commented that many people live in homes that are not 100% seismic secure, noting examples all over the world of historic structures that have been preserved and are not seismic compliant.

M. Fingas, legal representative, stated that the home has not been condemned.

L. Shewring, owner, commented they had no idea the home was in such poor condition, as reported by Herold Engineering, and that they are concerned about life safety.

D. Jensen acknowledged the owners are concerned about the safety of the home, and advised the local government does not have any authority to require owners to seismically upgrade their existing home, which was confirmed by the District's legal counsel.

M. Fingas, legal representative, clarified that compliance for buildings is generally 60%.

Commission members commented that the costs of the project and engineering details are not in the mandate of the Commission. The Commission's mandate is to look at the heritage significance of the home and this property is a heritage building of great importance to Oak Bay as it is one of the oldest and stateliest buildings in Oak Bay.

Commission members commented that life safety concerns could be remedied by the owner investing funds into home repairs, and suggested the owner contact the Hallmark Society for professional advice on restoring a heritage home.

K. Murdoch commented that the Heritage Commission's mandate is to provide heritage expertise and make recommendations to Council.

Commission members expressed concern about setting a precedent for allowing demolition of homes that are not 100% seismic compliant, which would result in many homes being demolished. They also noted there are approximately 40 protected homes in Oak Bay and it would be precedent setting to lose one. Commission members commented that they tell owners homes can be protected by designation and if the demolition is granted then the work of the Commission has been in vain.

L. Shewring, owner, commented that in an earthquake the unreinforced masonry would perform a lot differently than timber construction.

Commission members stated the demolition of the home and property would not be supported, noting that the covenant prevents demolition, that the house is exempt from Provincial legislation requiring seismic upgrading, and that the District of Oak Bay is not liable or legally exposed should Council deny this demolition application so any risk to the municipality, perceived or real, is therefore mitigated. The Commission also stated this is one of the oldest and stately heritage homes in Oak Bay and an enduring heritage property that expresses so well the majesty of Oak Bay's early history and the significance of the Jones family who owned it. The potential loss to a demolition cannot be understated, especially given the covenant on this property that reflects the commitment to protect this home in perpetuity.

It was moved and seconded to recommend that Council deny the application for demolition of 599 Island Road.

The motion was carried.  
None opposed.

K. Murdoch left the meeting at 5:45 pm.

b) Sub Committee Membership Update

S. Ross provided an update of the subcommittee membership, noting the following:

Archives	J. Hall
Oak Bay Heritage Book / Database	R. Taylor
Heritage Register / Designation	P. Wilson, J. Heagle, S. Ross, M. Palmer, B. Taylor
Trial Island Project	P. Maurenbrecher
Wednesday Night Project	H. Cochran
Century House Plaques	R. Taylor
Heritage Plan	R. Taylor, H. Cochran, C. Smith, P. Wilson
Tourism	M. Cumming

## 7. Reports of the Subcommittees / Other

a) Council Liason

None

b) Heritage Conservation Area Working Group Update

H. Cochran advised the working group is meeting weekly and targeting completing the draft design guidelines.

c) Heritage Plan

A discussion regarding the Heritage Plan will take place with the Heritage Foundation on June 12 at 4:30 pm.

d) Education

J. Hall noted the September lecture is titled "50's to the 50's", with the subject matter a general history of Oak Bay from the 1850's to the 1950's.

Commission members noted the native plant garden at Anderson Hill Park is being impacted by people and dogs, and the Commission is supportive of the native plants around the monuments.

e) Tourism

M. Cumming advised she has not recently attended a meeting with Tourism.

f) Community Register / Designation

P. Wilson reported that the Heritage Commission had an exceptional year for the Hallmark awards, with five heritage designated homes and one heritage registered home represented at the Awards. She also advised Commission members are working with the owners of 941 Island Road, who are considering registering their home.

g) Planning and Development

- Heritage Register Update

D. Jensen noted that the update of the Oak Bay Community Heritage Register and the statements of significance is almost complete, and that staff are reviewing properties added to the Heritage Register to determine which homes will have pen and ink drawings completed this year for Art in Chambers. She noted that, overall, 14 drawings need to be completed.

- Application Update

D. Jensen reported that both 1416 St David Street and 77 Beach Drive have submitted heritage revitalization agreement applications.

## 8. Next Meeting

The next regular meeting of the Heritage Commission is scheduled for Tuesday, June 12, 2018 in the Council Chambers of Municipal Hall.

## 9. Adjournment

The meeting was adjourned at 6:10 pm.