



## **Cape Breton Regional Municipality**

Heritage Advisory Committee Agenda

Monday, June 2, 2025

6:00 p.m.

Council Chambers  
Second Floor, City Hall  
320 Esplanade, Sydney, Nova Scotia

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**Land Acknowledgement****Roll Call**

- 1. Election / Selection of Chair and Vice Chair**
- 2. Approval of Agenda:** (Motion Required)
- 3. Approval of Minutes:** (Previously Circulated)  
➤ **Heritage Advisory Committee Minutes – May 16, 2024**
- 4. Orientation Presentation:** Karen Neville, Heritage Officer / Senior Planner  
**Note:** Additional documentation for the Committee's information:
  - Heritage Incentive Program Policy (See page 5)
  - Heritage Property Policy (See page 8)
  - Heritage Property Registration Criteria Policy (See page 10)
  - Travel Policy for Citizen Appointees – Heritage Advisory Committee (See page 12)
  - Heritage Conservation District Plan – North End Sydney (See page 13)
  - Heritage Conservation District By-law – North End Sydney (See page 29)
  - Heritage Property By-law (See page 53)
- 5. Municipal Heritage Registration Requests:** Karen Neville, Heritage Officer / Senior Planner  
**5.1 Request for Municipal Heritage Registration – 5 Court Street / 312 Commercial Street North Sydney:** (See page 60)

**5.2 Request for Municipal Heritage Registration – Bethel Presbyterian Church (9 Brookland Street, Sydney):** (See page 108)

**6. Business Arising: Heritage Advisory Committee Meeting – May 16, 2024**

**6.1 Addition of QR Codes to Heritage Plaques:** Karen Neville, Heritage Officer / Senior Planner (See page 125)

**6.2 Multi-Tiered Plaque System:** Peter Vandermeulen, Planner (See page 128 )

**Adjournment**

## ***Cape Breton Regional Municipality***

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## **Heritage Incentive Program Policy**

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### **1. OBJECTIVE:**

To encourage owners of registered municipal heritage properties to upgrade their properties in a manner that is consistent with the heritage value of the property as stated in the statement of significance for the property and the associated character defining elements.

### **2. AVAILABLE INCENTIVE:**

The incentive shall be 50% of the cost of the repairs or renovations up to a maximum of \$12,000 per property. In the case of roof replacement and/or repair, the maximum grant shall be 30% of the cost up to a maximum of \$6,000. In exceptional circumstances, the Committee may award a higher percentage of cost-sharing, as outlined in 4(c)

### **3. ELIGIBLE APPLICANTS:**

All owners of municipally registered heritage properties and all owners of properties located within municipal heritage conservation districts, except:

- a) Government owned properties, except where the property is leased to a registered non-profit society which is partially or totally responsible for building maintenance;
- b) Properties within a heritage conservation district that were built in 1940 or later.

### **4. CRITERIA:**

- a) All work done must be approved under the Heritage Property Bylaw or, in the case of properties within the Heritage Conservation District, the Heritage Conservation District Bylaw. All work must comply with the Building Bylaw and the Land Use Bylaw.
- b) Work funded under the program should be carried out on the exterior of the property and shall include but not be limited to windows, doors, cladding, roofing, and steps. Landscaping, fencing, and driveway paving are not eligible under any circumstances.

- c) Work that is necessary to ensure the long term viability of a structure (for example, repairs to the foundation, repairs to beams or trusses, or repairs to address significant stormwater infiltration problems) may be considered by the committee for funding assistance at levels higher than the normal amounts in exceptional circumstances. In these cases assistance may be provided for work in the structure's interior if necessary.
- d) Architectural, engineering and other consulting fees are eligible for funding; consultants may have to supply proof of professional qualifications to the HIP Committee.
- e) When an application is being considered priority shall be given to projects that significantly enhance the heritage value of the property. An example would be the removal of windows that are inconsistent with the original windows and replacing them with ones that more closely resemble the originals.
- f) When considering an application priority shall be given to projects that are unlikely to proceed without CBRM assistance. Where a property is owned by a non-profit organization, the availability of funds from other sources (such as federal government programs) shall be a consideration.
- g) Only one project may be approved per property in any given fiscal year. Properties which have received grants in one fiscal year may apply in subsequent years but priority shall be given to first time applicants.
- h) Use of original materials (such as brick or wood) shall normally be required for exterior cladding and corner boards although exceptions may be made where a substitute material is used that very closely resembles the original in appearance. Under no circumstances shall an incentive grant be provided to assist with the cost of replacing or installing vinyl or metal siding on a building originally clad in wood or brick.

## **5. APPLICATION PROCEDURES:**

- a) Applicants must submit an application to the CBRM Heritage Officer. Applications will be reviewed and approved by the Heritage Incentive Program (HIP) Committee, which is comprised of the Heritage Officer, one other CBRM employee or Heritage Advisory Committee member, and an architect licensed to practice in Nova Scotia. Any applicants whose projects do not meet the criteria will be informed of the reason why their projects are not acceptable and will be given an opportunity to revise and resubmit their applications.
- b) All decisions of the HIP Committee shall be final.

**6. DISBURSEMENT OF FUNDS:**

Funds will be disbursed only after completion of the work and inspection of same by the Heritage Officer. Proof of payment in the form of paid invoices, cancelled cheques, or credit card receipts must be submitted prior to the disbursement of any funds. CBRM will not reimburse any portion of the harmonized sales tax.

**7. GRANT DISCLOSURE:**

A list of grant recipients, including the type of grant and funding amount shall be published on CBRM's website annually, within 90 days of each fiscal year end.

**Approved by Council:**      **January 15, 2019**

**Amended:**                      **January 21, 2020**

## Heritage Property Policy

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### **STATEMENT OF POLICY:**

- It is the policy of the Cape Breton Regional Municipality (CBRM) to recognize the significance of historical properties within the Municipality by way of a Heritage Designation pursuant to the Heritage Property By-Law.

### **1.0 OBJECTIVE:**

- It is the objective of this policy to ensure that the Municipality shall recover the costs associated with the deregistration of municipal heritage designation of properties pursuant to the CBRM Heritage Property By-Law.

### **2.0 RESPONSIBILITIES:**

- 2.1 The CBRM Council will approve the Heritage Property Policy.
- 2.2 In accordance with Section 49(c)(iii) of the *Municipal Government Act*, a Fee Schedule for the costs associated with the deregistration of a municipal heritage property designation shall be established and reviewed periodically by the Heritage Advisory Committee.
- 2.3 The Applicant shall be responsible for all costs associated with the deregistration of a municipal heritage property designation under the Heritage Property By-Law.

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2.4 The Director of Planning shall be responsible for the administration of this policy.

**Approved by Council:** **March 18, 2003**  
**Amended:** **May 24, 2005**

## Policy Respecting Criteria for Heritage Property Registration

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This Policy shall be known as the “*Heritage Property Registration Criteria Policy*”.

### **STATEMENT OF POLICY:**

- It is the policy of the Cape Breton Regional Municipality (CBRM) to provide detailed, specific criteria to assist both staff and members of the Heritage Advisory Committee (Committee) in evaluating whether or not a property should be registered as a Municipal Heritage Property.

### **1.0 OBJECTIVE:**

- It is the objective of this Policy to streamline the process for evaluating requests for the registration of municipal heritage properties, resulting in better decision making.

### **2.0 RESPONSIBILITIES:**

- 2.1 The CBRM Council will approve the Heritage Property Registration Criteria Policy.
- 2.2 The Heritage Officer will receive the applications for registration of municipal heritage properties and score the properties based on the criteria outlined in Section 3.0 herein.
- 2.3 The Heritage Officer will provide a report to the Committee for each application, including the results of the scoring and recommendation regarding registration.
- 2.4 The Committee will review the Heritage Officer’s report and recommendation and render a decision regarding same. If the Committee recommends registration, the application is then forwarded to CBRM Council with a recommendation for approval.

### 3.0 CRITERIA:

<b>Historic Significance</b>	
Age of Property	30 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points
Association of the property with a well-known person locally, provincially or nationally	10 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points
<b>Architectural Significance</b>	
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed ( a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi- detached coal company house)	50 points
Exterior is wood, clay brick or natural stone	10 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points
Property is in a deteriorated state, requiring major repairs	-15 pts
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points
<b>Cultural Significance</b>	
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points
Association of the property with social or sports events within a community over a long period of time	25 points
<p><i>It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.</i></p>	

Approved by Council: February 19, 2019

## ***Cape Breton Regional Municipality***

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### **Travel Policy for Citizen Appointees – Heritage Advisory Committee**

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#### **1. STATEMENT OF POLICY:**

It is the policy of the Cape Breton Regional Municipality to encourage citizen appointees on the Heritage Advisory Committee (HAC) to participate in appropriate training and development opportunities in relation to heritage properties.

#### **2. OBJECTIVES:**

This Policy identifies the annual Nova Scotia Provincial Heritage Conference as the most appropriate forum for training and development of citizens on the HAC. Further, this Policy outlines the process to be used for same.

#### **3. CRITERIA:**

- a) Subject to budget approval, the funds for travel expenses for citizen appointees on the HAC shall be included in the Planning and Development Department budget.
- b) HAC citizen appointees are eligible to attend the annual Nova Scotia Provincial Heritage Conference. CBRM will sponsor a maximum of two citizen appointees to attend the annual conference, noting that priority will be given to those citizens who have not attended the Conference in the previous year.
- c) If more than two citizens who have not attended the previous year's Conference express an interest in attending the annual conference, the names shall be drawn by lot.
- d) Carpooling shall be practiced whenever possible.
- e) The Planning and Development Department shall be responsible for conference registration and the travel arrangements of the citizen appointees.
- f) The rates for meals, mileage and accommodations, as well as the filing requirements for expense claims, shall be the same as required in the *Travel Expense Policy for Elected Officials* and shall be processed through the Planning and Development Department.

**Approved by Council:** \_\_\_\_\_

# Heritage Conservation District Plan

## North End Sydney

**Approved by CBRM Council February 19, 2008**

*Includes amendments approved by the Minister responsible for the Heritage Property Act on September 25, 2019*



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## **A) BACKGROUND**

This Heritage Conservation District Plan sets out the intent of the Council of the Cape Breton Regional Municipality (CBRM) and its Heritage Advisory Committee to protect not only the individual buildings but also the overall character of Sydney's North End Heritage Conservation District.

Although the North End of the former City of Sydney has long been recognized for its historic significance, it was only in 2004 that serious discussion began regarding the possibility of establishing a heritage conservation district in the neighbourhood.

Representatives of the Old Sydney Society approached the Cape Breton Regional Municipality's Planning Advisory Committee in June of that year expressing concern that many of the area's historic and architecturally significant structures were threatened with demolition and suggesting that steps should be taken soon to ensure their preservation. Specifically, the Society recommended the designation of at least part of the North End as a heritage conservation district under Nova Scotia's *Heritage Property Act*. This would enable Council to regulate demolitions, substantial alterations to existing buildings and new construction.

Council agreed with the Society that the North End's built heritage must be protected, and a background study was prepared that determined that an area generally bounded by the Esplanade, George Street, Nepean Street and Desbarres Street contained an unusual number of very old buildings dating from the years immediately following Sydney's founding in 1785, and was suitable for consideration as a heritage conservation district. Public meetings held in the fall of 2004 confirmed that there was broad support for the establishment of the district. It was difficult to reach a consensus with respect to the boundaries of the district, but eventually it was agreed that the district would apply to the area identified on Map One. In recognition of the fact that there are many buildings and streetscapes outside the district with heritage value, it was agreed that the Heritage Advisory Committee of Council would encourage the designation of individual properties and streetscapes throughout the North End under the CBRM Heritage Property Bylaw.

Protecting the heritage buildings of the North End is important because the buildings in the area are a physical testament to the history of Sydney, its people, and the events that were critical to the development of the community as it exists today. It is also important from an economic development perspective. The North End, with its collection of museums and older homes immediately adjacent to the Sydney Marine Terminal, has become a significant attraction for the thousands of visitors who come to Sydney each year by cruise ship.

This Plan recognizes that there have been many changes to the buildings within the district in recent years and many of the architectural features of the older buildings have been lost. As a result, it would not be practical to attempt to curtail all new development in the area or to insist that all renovations to older buildings adhere to unrealistically high standards of preservation and design. Rather, this plan is intended to foster new development that is generally compatible with the character of the area and to encourage

renovations to existing buildings that retain and enhance the heritage value of the buildings as much as possible without requiring restoration of the building to its original state.

The policies of this plan are complemented by those of the North End Secondary Planning Strategy and Land Use Bylaw, which regulate future land use in the entire North End of Sydney.

## **B) HERITAGE CONSERVATION DISTRICT**

It is important to preserve entire streetscapes, in addition to individual properties. The designation of heritage conservation districts under Nova Scotia's *Heritage Property Act* is a means of identifying groups of buildings and their surroundings for heritage conservation measures.

A background study prepared by the CBRM Planning Department in May, 2005 identified an area in the North End of Sydney with significant historical significance. The character of this area is at risk of being lost to incompatible development and modernization. As a result, this area is proposed to be the CBRM's first heritage conservation district. The rationale used to determine the boundaries of the district stems from the 2005 background study, a study of North End buildings carried out by Vanessa Childs Rolls for the Old Sydney Society dated March, 2004, and information acquired from neighbourhood residents through a public participation program that took place in the fall of 2004 and the winter of 2005.

The public participation program included the creation of a committee of North End residents who worked with CBRM staff to prepare the draft bylaw. The draft bylaw was made available to the public for comment at an Open House held in the neighbourhood on June 1-2, 2005. Revisions were made to the bylaw based on the input received at the Open House.

In the spring of 2006 the CBRM Heritage Advisory Committee (HAC) forwarded the draft Plan and Bylaw to Council for its consideration. However, concerns over the content of the Plan and Bylaw from some property owners in the proposed District resulted in a decision by Council to send the documents back to the HAC for further review and additional public input. Extensive additional public consultation took place in late 2006 and in the fall of 2007. The Plan now includes a number of changes made since the spring of 2006, including a reduction in the size of the conservation district. These changes are intended to address the concerns that have been raised.

### **Policy HCD-1**

**It shall be a policy of Council to designate the area shown on Map One as a Heritage Conservation District, under Section 19A(1) of the *Heritage Property Act*.**

## **C) HERITAGE PROVISIONS AND ADMINISTRATION**

Council is committed to a strategy of heritage conservation through the adoption of a Heritage Conservation District Plan and By-law. The Plan and By-law includes protection measures for existing buildings, and standards for future development in the Heritage Conservation District.

### **Policy HCD-2**

**It shall be a policy of Council to adopt a Heritage Conservation District Plan and By-law for the Heritage Conservation District shown on Map One.**

### **Policy HCD-3**

**It shall be a policy of Council to establish policies for the preservation, conservation and protection of architectural heritage within the Heritage Conservation District.**

### **Policy HCD-4**

**It shall be a policy of Council to establish standards for development and administrative procedures for heritage conservation in the Heritage Conservation District By-law.**

### **Policy HCD-5**

**It shall be a policy of Council to designate a person who will act as a Heritage Officer and whose role is to administer the Heritage Conservation District By-law.**

## **D) ARCHITECTURAL STANDARDS**

The Heritage Conservation District By-law sets specific standards for architectural design in the Heritage Conservation District based on those architectural styles which have been identified as being traditional for Sydney's North End. With such standards in place the Municipality is able to mitigate the negative impact of development and alterations on the streetscape, and to encourage sound architectural design.

The Bylaw is written, however, so as to recognize that the District includes some buildings that have been built quite recently (in 1940 or later) and many others that have been very substantially renovated since the date of original construction. It is also recognized that within the District there is a significant variety of architecture including the Victorian era streetscape along the west side of George Street, the relatively unornamented neo-classical structures along Charlotte Street dating from the late 1700s, and the imposing 1930s era red brick house at 112 Charlotte Street. The design criteria in the Bylaw have been written so as recognize the variations in architectural styles within the District, and to ensure that the regulations are not unreasonable or overly cumbersome to administer.

### **Policy HCD-6**

**It shall be a policy of Council to include architectural design standards in the Heritage Conservation District By-law.**

### **Policy HCD-7**

**It shall be a policy of Council that the architectural design standards in the By-law are written to ensure that any new construction, as well as any additions or alterations to existing buildings in the Heritage Conservation District are reasonably architecturally and contextually compatible with the existing streetscape.**

### **Policy HCD-8**

**It shall be a policy of Council to establish architectural design standards in the Bylaw with respect to architectural style, building form, maximum building height, windows, doors, cladding, trim, shutters, chimneys, dormers, exterior lighting, utility structures, stairs, verandahs, decks, porches, porticos, wheelchair ramps, foundations and accessory buildings.**

### **Policy HCD-9**

**It shall be a policy of Council to vary architectural design standards in the Bylaw for buildings built in 1940 or later, and for buildings that have undergone major renovations since construction, to ensure that the standards for such buildings are reasonable, providing that any work being carried out does not further detract from the character of the district. It shall further be Council's policy that the design**

**standards in the Bylaw shall be written so as to recognize the variations in architectural style that are found within the District.**

## **E) CERTIFICATE OF APPROPRIATENESS**

Any substantial development in the Heritage Conservation District must undergo a review to ensure compliance with the requirements of this Plan and Bylaw. This will be accomplished through an application process whereby a Certificate of Appropriateness must be issued before a permit is approved under any other municipal bylaws. This certificate will ensure that the development is in conformance with the architectural design standards in the Bylaw.

In the North End Heritage Conservation District there are four buildings that have been registered as provincial heritage properties. Given that the Province regulates external alterations to these structures, Council feels that it is unnecessary to require that the owners also receive a certificate of appropriateness from the Municipality.

### **Policy HCD-10**

**It shall be a policy of Council to require a Certificate of Appropriateness for substantial developments in a Heritage Conservation District, unless the development is proposed for a registered provincial heritage property.**

### **Policy HCD-11**

**It shall be a policy of Council that before a permit is issued for:**

- New construction**
- The demolition or removal of a building**
- Additions or substantial exterior alterations to an existing building**

**within the Heritage Conservation District, the Development Officer or the Building Inspector, or other staff, as appropriate, shall refer the application to the Heritage Officer to determine if a Certificate of Appropriateness is required before a development permit, building permit, renovation/repair permit or demolition permit is issued. If the Heritage Officer determines that a certificate of appropriateness is required, no development permit, building permit, renovation/repair permit, or demolition permit shall be issued until a certificate of appropriateness has been approved.**

### **Policy HCD-12**

**It shall be a policy of Council that the approval of a Certificate of Appropriateness is contingent upon the compliance of the development with all applicable requirements of the Heritage Conservation District By-law.**

## **F) PUBLIC HEARING**

Certain developments may have a greater impact on the District than others, and would therefore benefit from public input as part of the review process. The demolition of main buildings in particular may have a significant negative impact on the integrity of the District. As a result, the Heritage Officer will refer applications for removal of main buildings erected before 1940 to Council for approval before a certificate is issued. Council, in making its decision regarding the appropriateness of such developments, recognizes the need for public input.

### **Policy HCD-13**

**It shall be a policy of Council to hold a public hearing in accordance with the provisions of the Nova Scotia *Heritage Property Act* for an application for a Certificate of Appropriateness for demolition or removal of main buildings erected prior to 1940.**

### **Policy HCD-14**

**It shall be a policy of Council to require that the Heritage Officer refer applications requiring a public hearing to Council for approval before the issuance of a Certificate of Appropriateness.**

### **Policy HCD-15**

**It shall be a policy of Council to establish that a Certificate of Appropriateness shall be issued by the Heritage Officer following the approval of the certificate by Council.**

## **G) REVIEW CRITERIA: DEMOLITIONS**

The intent of the Conservation Plan is obviously to discourage the demolition of older buildings in the District. It is however, recognized that circumstances may arise where there is no feasible alternative. Council must consider a number of issues when reviewing applications for a Certificate of Appropriateness when a demolition is involved.

### **Policy HCD-16**

**It shall be a policy of Council, when reviewing an application for a Certificate of Appropriateness for a demolition, or removal of a main building in the Heritage Conservation District to consider the following criteria:**

- a) The reasons for the proposed demolition;**
- b) The proposed new development for the site (if applicable);**
- c) The historical significance of the building;**
- d) The architectural significance of the building;**
- e) The potential negative effects on the immediate streetscape; and**
- f) The advice of the Heritage Advisory Committee, and**
- g) If available, a report by an architect or engineer licensed to practice in Nova Scotia regarding whether or not retention of the building is feasible where the building is in a damaged or deteriorated state.**

**If Council decides to approve a certificate of appropriateness that would allow the demolition, the certificate may be granted unconditionally or with conditions.**

Where Council refuses to authorize a certificate of appropriateness that would permit the demolition of a main building, municipal staff will withhold the issuance of a demolition permit for a maximum of two years from the date of application for the demolition permit. It is intended that during this two year period the Municipality and other interested parties shall explore, in cooperation with the property owner, alternatives to demolition. However, if at the end of the two-year period no solution has been found that would prevent the demolition of the building, it is Council's intention to instruct staff to issue the demolition permit.

### **Policy HCD-17**

**It shall be a policy of Council that two years after a demolition permit has been applied for to demolish or remove a main building built prior to 1940, the requirement for a certificate of appropriateness shall be waived and the demolition permit shall be granted.**

## **H) AMENDMENTS**

Amendments to the Heritage Conservation District Plan and By-law may be necessary as circumstances change. Council recognizes that as a Heritage District becomes established, additional property owners may wish to have their property included in or excluded from the district. Council supports and encourages additional inclusions where the proposed property enhances the historical character of the district, and contributes contextually to the streetscape.

Council will consider amendments to the Heritage Conservation District Bylaw, without amending the Heritage Conservation District Plan, if the underlying intent of the Heritage Conservation District Plan is not compromised.

### **Policy HCD-18**

**It shall be a policy of Council to consider amendments to the development standards and administrative procedures in the Heritage Conservation District By-law, without amending the Heritage Conservation District Plan, provided the proposed amendment is consistent with the intent of the policies of the Heritage Conservation District Plan.**

### **Policy HCD-19**

**It shall be a policy of Council to consider amending a Heritage Conservation District boundary to include or exclude additional heritage properties provided the proposed inclusion or exclusion abuts an existing boundary.**

### **Policy HCD-20**

**It shall be a policy of Council to consider that the Heritage Conservation District and all applicable provisions under the Heritage Conservation District Plan and By-law may be dissolved, by formal written request, of more than seventy-five percent (75%) of property owners within a district.**

### **Policy HCD-21**

**It shall be a policy of Council to hold a public hearing in the event of a request to dissolve the Heritage Conservation District, when changes to the boundary of the District are being considered, and when changes in the wording of the Heritage Conservation District Plan and/or Bylaw are being considered.**

## **I) FINANCIAL INCENTIVES**

The Province of Nova Scotia offers various financial incentives to owners of properties located within heritage conservation districts to encourage the retention and sensitive restoration of heritage buildings. Unfortunately, the incentives are at this time very modest and are of limited value to anyone who owns a building in need of major repairs. The *Heritage Property Act* allows municipalities to provide financial incentives as well. In 2006/07, for the first time, the CBRM allocated a modest amount of funding to a Heritage Incentive Program modelled on a successful program that the Halifax Regional Municipality has had in place for several years.

With respect to the federal government, no incentive programs exist at this time specifically geared to heritage properties.

CBRM Council recognizes that this Heritage Conservation District Plan is much more likely to be successful in the long term if there are financial incentives in place for owners of heritage properties. In the North End of Sydney, average annual incomes tend to be low, making it all the more difficult for property owners to maintain and enhance their properties. For example, the 2001 Census of Canada showed that the average annual per capita income in the area that includes the North End Heritage Conservation District was only \$16,324 compared with \$20,766 in CBRM as a whole. The average for Nova Scotia was \$25,297.

### **Policy HCD-22**

**It shall be a policy of Council to:**

- **Continue the Heritage Incentive Program for owners of heritage properties in the CBRM that was initiated in 2006/07, providing that resources, in the opinion of Council, permit, and**
- **Encourage the federal and provincial governments to increase financial support for the preservation and enhancement of heritage properties.**

## **J) DEFINITIONS**

**Streetscape** - A combination of characteristics and elements making up the contextual character of a span of street including: the physical architecture of buildings, the location of buildings in relation to the street, the size and scale of properties, the landscape, sidewalks, street furniture and other physical features, the physical formation of the street itself including its curbs and surface, and how all of these elements relate to create the character of the street.



# Heritage Conservation District By-law

## North End Sydney

**Approved by CBRM Council February 19, 2008**

*Includes amendments approved by the Minister responsible for the Heritage Property Act on September 25, 2019*



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## **A) BOUNDARIES**

The Heritage Conservation District boundaries are those boundaries indicated on Schedule A of the Heritage Conservation District By-law. This By-law affects main buildings and accessory structures located within the boundaries of the Heritage Conservation District.

## **B) HERITAGE PROVISIONS**

- (1) Development in a Heritage Conservation District shall be subject to the provisions of the Heritage Conservation District By-law including applicable architectural design standards.
- (2) The architectural design standards in Appendix A shall form part of the Heritage Conservation District By-law.
- (3) The definitions in Appendix B shall form part of the Heritage Conservation District Bylaw.
- (4) The Heritage Conservation District By-law shall be administered by the Heritage Officer.

## **C) APPLICATION PROCEDURE**

**1.** An application shall be made to the Heritage Officer for all developments in the Heritage Conservation District that require a Certificate of Appropriateness. All applications for development permits, building permits, renovation/repair permits and demolition permits shall be referred by the Development Officer, Building Inspector, or other staff, as appropriate, to the Heritage Officer to determine if a certificate of appropriateness is required. If the Heritage Officer determines that a certificate of appropriateness is required, no development permit, building permit, renovation/repair permit, or demolition permit shall be issued until a certificate of appropriateness has been approved.

**2.** The following may be required by the Heritage Officer for an application for a Certificate of Appropriateness:

**a)** Architectural plans, elevations, other sketches and/or photographs as may be required, to be drawn to scale and clearly indicating the architectural style and design elements of the proposed development;

**b)** The location and style of existing or proposed accessory buildings including elevations and other sketches as required;

**c)** Where the application concerns (1) an addition to an existing building that exceeds 10 square meters in floor area, or increases the height of the building, and is on a side of the building that faces an abutting street, or (2) the total estimated cost of the renovations are \$50,000 or more, the applicant must provide plans prepared by:

- An architect licensed to practice in Nova Scotia, OR
- A person with a diploma in architectural technology who can demonstrate to the Heritage Officer that he/she has significant experience in the restoration of older buildings, OR
- A person with a diploma in Heritage Carpentry who can demonstrate to the Heritage Officer that he/she has significant experience preparing plans for renovations to older buildings.

**d)** Any other information the Heritage Officer may require to adequately assess the appropriateness of the development proposal.

## **D) CERTIFICATE OF APPROPRIATENESS**

- 1.** A Certificate of Appropriateness shall be required for certain developments, as specified in (2.) below.
- 2.** The following developments shall require a Certificate of Appropriateness:
  - a)** Construction of new main buildings;
  - b)** Construction of new accessory buildings (regardless of size), if such buildings are visible from an abutting street;
  - c)** Demolition or removal of main buildings;
  - d)** Additions to existing buildings which are visible from an abutting street; and
  - e)** Substantial alterations to an existing building which are visible from an abutting street excluding the exceptions in Subsection 7 of this Section but including:
    1. Building form with respect to orientation, proportion, and height;
    2. Roof shape with respect to style, pitch and the addition or removal of roof elements such as towers and chimneys;
    3. Windows with respect to size, style, placement, orientation and materials;
    4. Doors with respect to size, style, placement, materials, and the addition of sidelights and transoms;
    5. Cladding with respect to style, materials, placement, and orientation;
    6. Trim with respect to style, materials, placement, and the removal or addition of same;
    7. Stairs, porches, decks, verandahs and porticos with respect to style, materials, and the removal or addition of all or part of the structure;
    8. Dormers with respect to style, size, placement, and glazing;
    9. Installation of a new foundation under an existing building.
- 3.** A Certificate of Appropriateness shall be issued by the Heritage Officer if the development proposal meets applicable requirements under this By-law, except in the case of the demolition or removal of a main building where the application must be referred to Council in accordance with Section E.
- 4.** A Certificate of Appropriateness may be granted with conditions and may include conditions with respect to:
  - a)** The graphic representation of a proposed building or structure;
  - b)** The repair, after work is completed, of any damage caused to a building or structure by work carried out upon it;
  - c)** The filing with the Heritage Officer of acceptable photographic or other documentation of a building or structure before demolition or restoration, rehabilitation or alteration;
- 5.** The design standards in Appendix A of this bylaw are intended to assist the Heritage Officer to determine whether a development meets the requirements of (3) above and should be granted a Certificate of Appropriateness. CBRM may obtain its own professional architectural or historical advice if deemed necessary to assist in determining if a certificate of appropriateness should be issued.

**6.** Developments that do not require a Certificate of Appropriateness shall be subject to all applicable provisions under the Land Use By-law and the Building Bylaw.

**7.** No certificate of appropriateness shall be required for:

- The demolition of a building built in 1940 or later;
- The demolition of an accessory building;
- Work proposed to be carried out on a property registered by the Province of Nova Scotia as a provincial heritage property;
- Satellite receiving dishes that are less than .5 m. in diameter, utility entrances, solar collectors, skylights, landscaping, driveways, fences and walkways;
- Repairs to existing foundations, providing that the elevation of the foundation is not being changed significantly;
- Roof replacement or repair, providing that the pitch or slope of the roof is not being altered;
- Renovations to the interior of any building;
- Colour changes of any kind.

## **E) DEMOLITION OF A MAIN BUILDING**

1. An application of a certificate of appropriateness for the demolition or removal of a main building erected prior to 1940 shall be referred by the Heritage Officer to Council. Council shall hold a public hearing before a Certificate of Appropriateness is approved for the demolition or removal of a main building. All other applications for a certificate of appropriateness shall be decided upon by the Heritage Officer without a public hearing or referral to Council.
2. Where Council is being requested to approve the demolition or removal of a main building, Council shall follow the policies and procedures outlined in the North End Sydney Heritage Conservation District Plan.

## **F) ADMINISTRATION**

- 1.** All Certificates of Appropriateness shall be issued by the Heritage Officer.
- 2.** Council may designate an alternate to assume the role of Heritage Officer.
- 3.** A Certificate of Appropriateness shall be issued by the Heritage Officer where the development proposal meets all applicable provisions of the Heritage Conservation District By-law or, in the case of an application to demolish or remove a main building, an application has been approved by Council following a public hearing.
- 4.** Within 15 days of receiving the initial application the Heritage Officer shall inform the applicant whether or not the application is complete. Once in receipt of a completed application the Heritage Officer shall either issue a certificate of appropriateness within 30 days or shall refuse the application. If the application is refused, the Heritage Officer shall provide written reasons for the refusal to the Applicant. If no decision is made within 30 days of receipt of a completed application, the application is deemed to have not required a certificate. The provisions of this Section shall not apply to a certificate requiring Council approval.
- 5.** The issuance of a Certificate of Appropriateness shall be in force for a period of one year from the date of issuance. If the development to which the Certificate applies has not commenced within that period of time the Certificate shall expire.
- 6.** Nothing in this bylaw shall exempt any development from the requirements contained within the Land Use Bylaw or the Building Bylaw.

## **G) APPEAL PROCESS**

A decision made by the Heritage Officer or Council may be appealed to the Nova Scotia Utility and Review Board subject to the provisions of the Heritage Property Act and any regulations thereto.

## **APPENDIX A: ARCHITECTURAL DESIGN STANDARDS**

### **PART A: NEW BUILDING CONSTRUCTION**

New main buildings constructed in a Heritage Conservation District shall be subject to the design standards in this Part. To assist in the interpretation of these standards, the Heritage Officer shall have regard to the definitions in Appendix B of this Part, to the photographs of existing buildings in the North End of Sydney in Appendix C of this Part, and to any other relevant photographic documentation that may be available.

New accessory buildings shall be subject only to Section 4 of this Part.

#### **Design Standards**

##### **1. Architectural Style**

New buildings shall be designed so as to generally reflect one of the traditional architectural styles found in the North End of Sydney. While new buildings are not expected to be replicas of traditional architecture they must, at a minimum, be designed with a traditional form and maintain certain elements of facade design.

Acceptable building forms and required facade design features are outlined in the following design standards:

##### **2. Physical Form (Basic Building Mass)**

New buildings shall be designed and constructed generally based on one of the following traditional building forms:

- a)** 1½ or 2 ½ Storey construction  
Medium or steep pitch gable roof
- b)** 1½ Storey construction  
Steep-pitched roof with dormers
- c)** 2 to 2½ Storey construction of irregular massing  
Steep-pitched roof with dormers and possibly a corner tower
- d)** 2 to 2 ½ Storey square construction  
Steep pitched hip roof with dormers
- e)** 2 to 2 ½ Storey construction  
Low pitched hip roof  
Double 2-storey square front bays

A certificate of appropriateness may be issued for a new building that does not conform with any of the building forms listed above (a. to e.) providing that the applicant can demonstrate that the proposed building form is based on a building built before 1940 that

is already found in the District, or, based on photographic evidence, did exist in the District prior to 1940.

Within some blocks in the Heritage Conservation District, new main buildings will be required to be two and one half storeys in height so as to ensure consistency with existing streetscapes. These areas are identified in Schedule A.

### **3. Façade Design (applicable to those portions of new building visible from an abutting street)**

#### **(1) Windows:**

Windows must of a traditional design (1/1, 2/2, 6/6, 9/9), be vertically oriented with a minimum width to height ratio of 1:1.5 and a minimum size of 1 square metre (measured inside the frame), except:

- Round-headed windows and smaller ornamental windows are permitted provided they are reasonable replicas of a traditional design already found within the North End of Sydney
- Bay windows and Palladian windows are permitted provided they are of a traditional design

Although use of wooden window frames and sashes is encouraged, vinyl materials are acceptable.

Two windows may be installed adjacent to each other.

The above provisions respecting windows shall not apply to windows situated entirely within a foundation wall, unless the windows are egress windows as defined in the Building Code Act.

#### **(2) Doors:**

- Front doors shall be a basic traditional design, and may or may not have a transom and sidelights. Insulated steel doors shall be permitted provided they are of a traditional design. Storm doors shall be permitted.
- Double patio doors (non-sliding) are permitted provided they are at the rear or side of the building. Sliding patio doors are permitted only at the rear of the building.

#### **(3) Cladding:**

- While traditional wooden clapboard and wood shingles are highly recommended, synthetic siding that resembles clapboard shall be permitted provided it has a narrow overlap of no greater than 12 centimetres and is adequately trimmed (see trim standards).
- Cladding shall be horizontally aligned.
- Brick, metal siding, imitation brick and cultured stone shall not be permitted

#### **(4) Trim:**

All windows and doors shall have a minimum 12 centimetre plain wooden trim (a synthetic material designed to replicate wood may be used) More decorative trims are also acceptable. Wooden frieze board and corner board trim is also encouraged, although synthetic materials designed to look like wood are acceptable. Corner boards are required, and must be a minimum of 12 centimetres in width on each side.

#### **(5) Dormers**

Dormers are permitted, but large shed dormers that are wider than thirty percent (30%) of the width of the façade shall not be permitted on the roof slope facing a street on which the new building fronts.

#### **(7) Decorative Shutters**

If shutters are to be used they shall be constructed of wood or of a synthetic material designed to replicate wood. Shutters shall be shaped to properly fit the window and be of a panelled or louvered style.

#### **(8) Chimneys**

Exposed stove-pipe chimneys shall not be permitted and must be enclosed by brick or imitation brick.

#### **(9) Stairs, Verandas, Porticos, Decks and Wheelchair ramps**

- Stairs, verandahs, porticos, decks, staircases and wheelchair ramps shall be, at a minimum, constructed with an upper and lower railing and vertical balusters. Posts shall be capped. Construction materials shall preferably be of wood but synthetic materials designed to replicate wood are acceptable.
- Lattice screening may be used if recessed and framed at the edges.
- In no case shall a new exterior staircase be provided at the front of a building to access the structure's second or third storey.
- Columns must provide detailing consistent with the style of the building.

#### **(10) Foundations**

New foundations shall be designed so as to minimize the amount of concrete visible by either extending the cladding lower to cover the exposed foundation wall, or through the use of materials such as brick, stone or imitation stone.

### **4. Accessory Buildings, Garages and Utility Structures**

Portable, metal storage sheds and baby-barn style sheds shall be permitted where they are not clearly visible from the street, otherwise;

- Cladding of accessory buildings shall be consistent with the main building;
- Attached garages shall not be permitted if visible from an abutting street;
- Fuel oil tanks and garbage dumpsters shall not be permitted in any yard abutting a street.

### **5. Exterior Lighting Fixtures**

Exterior lighting fixtures directly attached to the building that are visible from the street shall be

consistent with the style of the building.

## **6. Height**

A maximum height of a main building shall be no greater than 2 1/2 storeys or 8 metres, not including towers, turrets, chimneys or other peaks.

## **10. Exception to design standards**

If an existing building in the District has been destroyed by fire or another catastrophic event, and the building in question was not, at the date of adoption of this Bylaw, the height required by this Bylaw for new buildings (for example, it was a one storey building in an area where new buildings are required to be two storeys in height)a new building may be built on the site without having to comply with the height requirements. The other requirements of this Part shall still apply.

## **PART B: ALTERATIONS OR ADDITIONS TO EXISTING BUILDINGS (which are visible from an abutting street)**

All existing main buildings in the District can be categorized in one of the four following groups.

### **Type A Buildings erected prior to 1940 which have not been substantially changed since originally constructed.**

Alterations or additions to Type A buildings shall be generally consistent with the existing structure in terms of architectural style, roof pitch, window and door design, trim and any other design elements.

The design standards for new buildings in Part A shall be used to evaluate an application where applicable.

*The Standards and Guidelines for the Conservation of Historic Places in Canada* may be used to assist the Heritage Officer in determining whether or not proposed alterations or additions are generally consistent with the existing structure.

### **Type B Buildings erected prior to 1940 that have undergone substantial alterations since original construction.**

In cases where buildings have undergone substantial alterations since the time of original construction, alterations intended to restore or partially restore the structure to its original appearance shall be encouraged; in such cases documentation on the building's original appearance may be required prior to issuance of a certificate of appropriateness.

The design standards in Part A shall be used where applicable to evaluate an application for a certificate of appropriateness for alterations or additions. Alterations and additions to these buildings shall not further detract from the building's original character and shall not increase the degree of inconsistency with the design standards in Part A.

*The Standards and Guidelines for the Conservation of Historic Places in Canada* may be used to assist the Heritage Officer in determining whether or not proposed alterations or additions to Type B buildings further detract from the building's original character and should not be permitted.

**Type C Buildings constructed in 1940 or later**

In the case of buildings erected in 1940 or later, additions shall be generally consistent in architectural style with the original structure. The design standards in Part A shall not be used, except those relating to chimneys, accessory buildings, garages, utility structures, foundations, patio doors and maximum height.

**Type D 112 Charlotte Street**

This building was originally constructed in the 1930s of red clay brick. The design standards in Part A shall not apply when evaluating proposed alterations to this structure, given that these standards were developed for the older wooden buildings that predominate in the North End of Sydney. However, retention of the brick façade shall be required in any alterations, and any additions must be consistent with the style of the original building.

## **APPENDIX B: DEFINITIONS**

**Baluster** – means a turned or rectangular upright supporting a stair rail.

**Bargeboard** - means decorated board on a gable edge or eaves line.

**Bay Window** - means a set of three similar windows which are located within a section of a building that protrudes from the wall of the building, the centre window being generally parallel with the main wall of the building and the two side windows being angled away from the centre window. Picture windows and bow windows are not considered to be bay windows for the purpose of this Bylaw.

**Bow window** - means a window that is constructed and installed as one unit and which protrudes from the wall of a building. A bow window is wider than its height.

**Brackets** - means angular supports at eaves, doors, windows or overhangs.

**Casement** - means windows having side-hinged sashes.

**Column** - means a pillar made up of three parts being the capital, shaft and base.

**Conservation** - means the protection and management of valued resources.

**Corner Boards** - means boards placed at the corners of exterior walls for neatness and protection.

**Cornice** - means projection crowning a building.

**Details** - means the small decorative parts which make up the elements of the overall building mass.

**Dormer** - means a window projecting from the slope of a roof.

**Eaves** - means horizontal edges of a roof extending beyond the wall.

**Elements** - mean the components of a buildings mass that broadly identify its architectural style such as entry type, windows, roof, etc.

**Façade** - means the face of a building.

**Finial** - means the pointed ornament at the apex of a gable, pediment, or roof edge.

**Gable** - means the triangular upper part of a wall at the end of a ridged roof; triangular hood over a window or door; triangular break in an eaves line.

**Gingerbread** - means decorative wooden trim surrounding windows, doors, eaves, porches, etc.

**Hood** - means a protective and sometimes decorative cover that is found over windows and doors.

**Hip Roof** - means a roof sloped on all four sides.

**Label** - means door or window molding extending part way down the sides of the opening.

**Main Building** - refer to the definition in the applicable land use bylaw

**Mansard Roof** - means variation of hip roof with a steep lower slope (may be curved) and a flatter upper section.

**Massing** - means the basic form or method of organizing the shape of a building that is characteristic of its architectural style and is made up of elements with details.

**Palladian** - means an arch-headed window flanked by narrower, shorter square-headed windows.

**Pediment** - means triangular shape ornamenting a door or window; front or gable end of a building.

**Picture Window** - means a window containing an undivided sheet of glass which is wider than its height. A picture window is generally larger than other windows and may include a bow window but shall not include a traditional bay window.

**Portico** - means a covered entrance supported by columns or pillars.

**Restoration** - means returning a building to its original appearance or condition.

**Sidelight** - means glazed window panels adjacent to a door.

**Storey** - refer to the definition in the applicable land use bylaw

**Surround** - means trim outside a door or window structural opening.

**Transom** - means horizontal bar between the top of a window or door and the structural opening; the section above is a transom light or panel.

**Verandah** - means a covered porch or balcony extending fully across the facade.

**Visual Balance** - means equilibrium in the arrangement of the parts or elements of a building elevation or of a sequence of building elevations, including windows, doors, bays or porches, in relation to each other about a dividing line or centre.

**APPENDIX C: TYPICAL NORTH END SYDNEY EXAMPLES OF ARCHITECTURAL STYLES, DOORS, WINDOWS AND DORMERS**



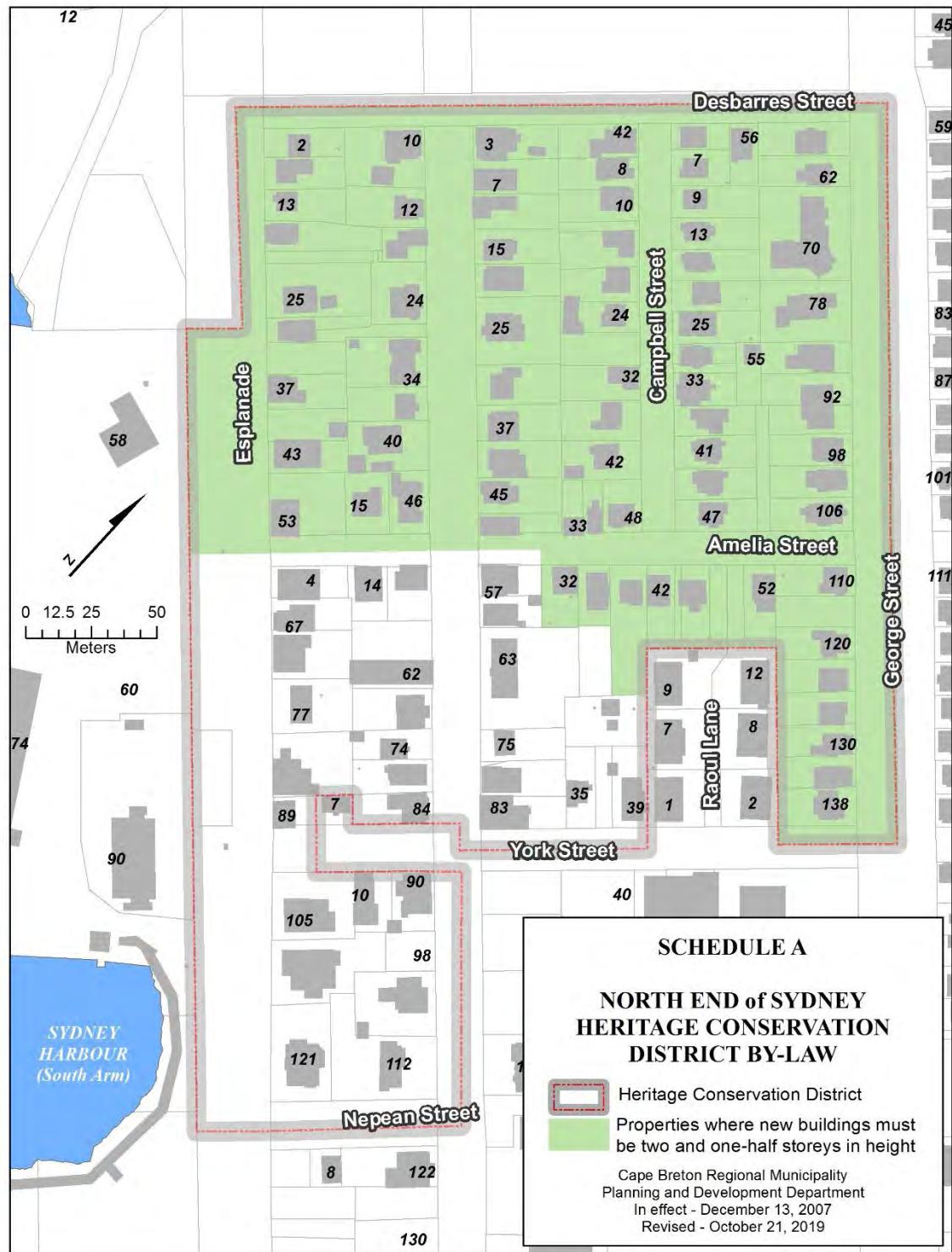








## **SCHEDEULE A: MAP OF NORTH END SYDNEY HERITAGE CONSERVATION DISTRICT**



H:\MAPS\North\_End\_Sydney\8.5x11\Heritage\_Conversation\_Bylaw\2019\NEHCB\_Revised\_2019.jpg

## CAPE BRETON REGIONAL MUNICIPALITY

### Bylaw C3

#### **HERITAGE PROPERTY**

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1. In this Bylaw:
  - (a) "Council" means the Council of the Cape Breton Regional Municipality;
  - (b) "Clerk" means the Clerk of the Cape Breton Regional Municipality;
  - (c) "Act" means the *Heritage Property Act*;
  - (d) "Committee" means the Heritage Advisory Committee, established pursuant to the *Heritage Property Act* and this Bylaw;
  - (e) "Regional Municipality" means the Cape Breton Regional Municipality (CBRM);
  - (f) "Heritage Officer" means a CBRM employee appointed by Council pursuant to the Act."
2. (a) The Heritage Advisory Committee is composed of a minimum of seven and a maximum of ten members appointed by Council for a term of two years.
  - (b) At least two members of the Committee shall be members of the Council and at least three but no more than seven members shall be members of local historical societies or individuals who have in the opinion of the Council otherwise demonstrated active concern for the preservation of buildings of historic significance.
  - (c) The Committee has the powers and duties of a Heritage Advisory Committee pursuant to the Act.
  - (d) The Committee shall be governed, where not inconsistent with the Act or this Bylaw, by the general rules of procedure applicable to committees as contained in the Bylaws of the Regional Municipality.
3. The Heritage Officer shall establish and maintain at the business office of the Regional Municipality, a Registry of Heritage Property, where all prescribed documents relating to

the registration of Heritage Property pursuant to the Act or this Bylaw shall be filed. The registry shall:

- (a) be maintained and updated by the Heritage Officer;
- (b) be properly indexed;
- (c) be accessible to the public at no charge during regular business hours at the Regional Municipality Offices.

4. The Registry of Heritage Property shall contain:

- (a) a description of any building, streetscape or area registered by the Council pursuant to the *Heritage Property Act*;
- (b) the recommendation for registration, all notices pursuant to the registration, recording particulars of all notices recorded in the Registry of Deeds and particulars of service of all notices required pursuant to the *Heritage Property Act*;
- (c) all applications for permission to make a substantial alteration to the exterior appearance, or to demolish, a registered building, streetscape or area, together with the particulars of the recommendations of the Heritage Advisory Committee thereon and the particulars of the disposition thereof;
- (d) in a separate section, all buildings, streetscapes and areas for which registration has been recommended by the Heritage Advisory Committee but on which a decision to register has not been made;
- (e) in a separate section, all buildings, streetscapes and areas for which registration was recommended by the Heritage Advisory Committee but which Council determined not to register.

5. All properties registered by a municipal unit incorporated within the Regional Municipality shall be considered to have been registered pursuant to this bylaw and be included within the Registry of Heritage Property.

6. Notice of a recommendation by the Heritage Advisory Committee that a building, streetscape or area be registered as a Municipal Heritage Property shall be in the form specified in Schedule "A", attached hereto.

7. Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and the registration shall be in the form specified in Schedule "B", attached hereto.
  
8. Council may from time to time establish and amend guidelines for the registration of property as a Municipal Heritage Property, and the Heritage Advisory Committee shall, in making recommendations, take the guidelines fully into account.

**Passed and adopted** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on October 17, 1995, and amended on April 17, 2007, and March 12, 2019.

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**Mayor Cecil P. Clarke**

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**Deborah Campbell Ryan, Clerk**

**This is to certify** that the attached is a true and correct copy of the Heritage Property Bylaw of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on October 17, 1995 and amended on April 17, 2007 and March 12, 2019.

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**Deborah Campbell Ryan, Clerk**

**DATE OF ADVERTISEMENTS:** **October 27, 1995**  
**July 10, 2007 (amendment)**  
**June 22, 2019 (amendment)**

**SCHEDULE "A"****NOTICE OF RECOMMENDATION****TO REGISTER A MUNICIPAL HERITAGE PROPERTY****Cape Breton Regional Municipality**

Pursuant to the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been recommended for registration in the registry of heritage property for the Cape Breton Regional Municipality.

The property has been recommended for registration [here set out reason for recommendation].

The **Heritage Property Act** provides that if a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property. For further information refer to the **Heritage Property Act**.

The **Heritage Property Act** further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after notice of recommendation to register the property has been served, unless the Regional Municipality sooner refuses to register the property.

The owner has the right to be heard concerning the recommended registration, and the date of the hearing shall be [here set out date, time and place of hearing]. Submissions may be made orally or in writing if desired, and a written submission may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to the Act.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_.

Per:  
Regional Municipality Clerk

PROVINCE OF NOVA SCOTIA)  
COUNTY OF CAPE BRETON SS)

**ON THIS**      day of      , A.D., 2\_\_\_\_\_, before me, the subscriber, personally came and appeared      the subscribing witness to the foregoing Notice, who, having been by me duly sworn, made oath and said that **THE CAPE BRETON REGIONAL MUNICIPALITY**, a municipal body corporate, caused the same to be executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper officer in h   presence.

Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.

**SCHEDULE "B"****NOTICE OF REGISTRATION****MUNICIPAL HERITAGE PROPERTY****Cape Breton Regional Municipality**

Pursuant to Section 14 of the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been registered in the registry of heritage property for the Cape Breton Regional Municipality.

The **Heritage Property Act** provides that where a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property.

For further information refer to the **Heritage Property Act**.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to s. 15(3) of the Act.

**DATED** at Sydney, Nova Scotia, this [date].

## Cape Breton Regional Municipality

Per:  
Clerk

PROVINCE OF NOVA SCOTIA)  
COUNTY OF CAPE BRETON SS)

Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.



**CAPE BRETON**  
REGIONAL MUNICIPALITY

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**TO:** Heritage Advisory Committee

**DATE:** May 21, 2025

**FROM:** Karen Neville

**RE:** Request for Municipal Heritage Registration - 5 Court Street/312 Commercial Street, North Sydney

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A request has been received from Sherry Finney to register 5 Court Street/312 Commercial Street, North Sydney (PID 15028640) as a Municipal Heritage Property (Attachment A). The applicant's submission for Heritage Registration, which was prepared by Emma Lang, Executive Director, Heritage Trust of Nova Scotia, can be found in Attachment B. The unique architectural features along with its cultural significance are cited for the reasons for Municipal Heritage Registration.

This L-shaped structure was originally built in 1939 and comprises two connected units with separate addresses, one which fronts on Court Street (5 Court Street) and the other which fronts on Commercial Street (312 Commercial Street). The building located at 5 Court Street/312 Commercial Street in North Sydney was constructed in 1939 by Melbourne Russell (M.R.) Chappell, who also served as its architect while working for Chappell's Ltd., a well-known local construction and stonemasonry firm. The building was originally owned by Richard Jabalee, and served as a warehouse and grocery store and is closely tied to the history of North Sydney's Lebanese and Syrian communities. 312 Commercial Street is part of the original construction and is 84 years old. 5 Court Street and used to function as a warehouse was burned down in 1950 and rebuilt in the same year and is 73 years old.

Architecturally, the structure is notable for its L-shaped design with gabled rooflines. The L-shaped nature of the building, allowed enough space for both the warehouse and grocery store. Aside from the shape and other unique characteristics, this building is typical of warehouses and other industrial buildings of this period, like Pictou Iron Foundry located in Pictou, Nova Scotia, a provincially registered heritage property.<sup>1</sup>

The unit facing Court Street retains many original elements. This unit is wood construction with a cement foundation with brick cladding. It is unclear when the red metal siding was installed on upper half of the building face on Court Street. However, when the current property owners purchased the property in 2008, there was a sign painted on the siding reading 'R. Jabalee & Sons', which has since been removed. Wooden dentils separate the exposed brick from the siding. The centrally located windows and two double doors are surrounded by molding. The side of the unit is of brick construction covered with

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<sup>1</sup> Canada's Historic Places, "Pictou Iron Foundry," n.d. Historic Places Canada, <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=14796&pid=0&%3A%7E%3Atext=Description%20of%20Historic%20Place%2Cincluded%20in%20the%20provincial%20designation>

concrete with a series of windows with stone sills. The interior of the unit maintains elements of its original construction including exposed wood beams and brick walls. The current owners have renovated the interior space while ensuring these characteristics remain visible. The Court Street warehouse serves as a visual landmark as it is one of the only industrial style buildings located on the street. This unit is also the tallest building on this street, being two storeys tall.

The unit facing Commercial Street has gable roof with columns on either side. The brick exterior is exposed on the sides of the building with the street face covered in metal siding. There is a cement inlay on centre of the Commercial Street façade reading “1939: R. Jabalee.” The storefronts facing Commercial Street have been altered from its original form. The storefront was formerly entirely glass aside from two recessed entryways. The front façade now features two recessed doors and several display windows covered by metal awnings, all with painted black wood trim.

In addition to its architectural value, the building is a visual and cultural landmark, representing the legacy of Lebanese and Syrian entrepreneurship that shaped the Commercial Street corridor throughout the 20th century. As such, the structure not only illustrates the local economic and architectural history but also preserves the memory of a vibrant immigrant community and its contributions to North Sydney.

As indicated, the applicant is requesting Municipal Heritage Registration based on the unique architectural and cultural significance. The scoring criteria for this property can be found in Attachment C.

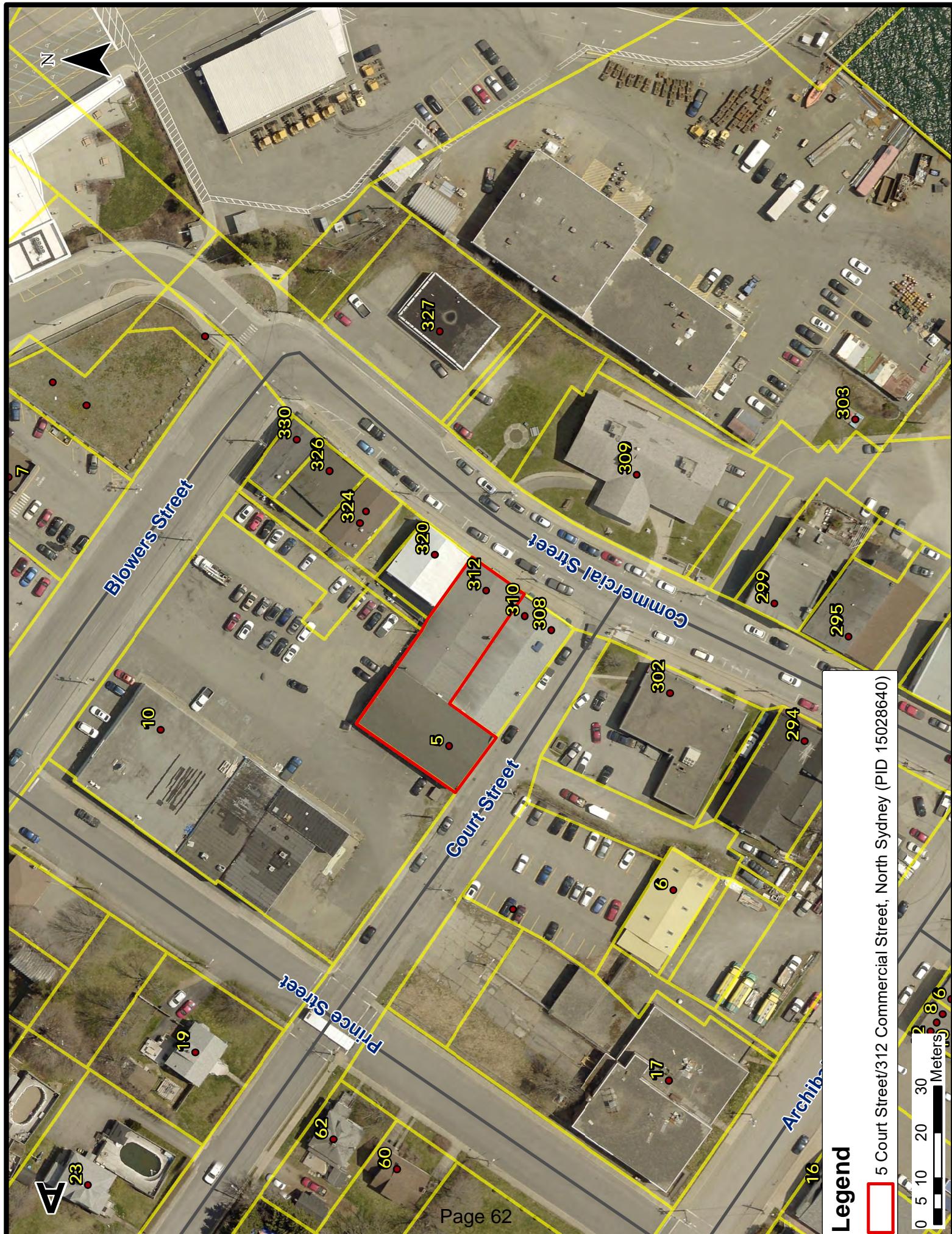
**Recommendation**

It is recommended the Heritage Advisory Committee advise Council to initiate the process for registering Court Street/312 Commercial Street, North Sydney (PID 15028640) as a Municipal Heritage Property.

Submitted by:

Originally Signed by

Karen Neville  
Planning and Development Department



**Legend**

5 Court Street/312 Commercial Street, North Sydney (PID 15028640)

0 5 10 20 30 40 Meters

**Applicant Information:**

**Name:** [REDACTED]

**Organization/Company Affiliation:**

**Address:**

**Telephone:**

**Email:** [REDACTED]

**Compiled with the help of:**

**Name:** Heritage Trust of Nova Scotia, [REDACTED], Executive Director

**Address:** [REDACTED]

**Telephone:** [REDACTED]

**Email:** [REDACTED]

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**Property Information:**

**Nova Scotia Property Identification Number (PID(s)):** [REDACTED]

**Owner(s):** [REDACTED]

**Address:** 5 Court Street/312 Commercial Street, North Sydney, B2A 1C2.

**Historical Information**

**1. Age of Property:**

This L-shaped structure was originally built in 1939 and comprises two connected units with separate addresses, one which fronts on Court Street (5 Court Street) and the other which fronts on Commercial Street (312 Commercial Street). 312 Commercial Street is part of the original construction and is 84 years old. 5 Court Street and used to function as a warehouse was burned down in 1950 and rebuilt in the same year and is 73 years old.

**2. Source of Information:**

The original date of construction, 1939, is present on a cement inlay in the bricks located centrally on the Commercial Street face of the building.

**3. Does this property have an association with the life or activities of a person, group, organisation, institution or an event that has made a significant**

**contribution to the local community, municipality, province, or country? If so, provide details:**

Association of the property with the community's economic, social, political, athletic or cultural history:

At the end of the nineteenth and beginning of the twentieth century an abundance of natural resources, like ore and coal, and easily accessible transportation by boat and train made Cape Breton the logical location to establish mines and quarries and their associated plants. These industries attracted thousands of immigrants from a wide range of countries and cultures, including Maronite Catholics from Lebanon and Syria. By 1921, Census records indicate that out of roughly 6,500 occupants there were 103 individuals living in North Sydney with at least one Lebanese or Syrian born parent.<sup>1</sup> Many of these immigrants came to Nova Scotia with little money and found work in the mines and steel industry or jobs that supported the lives of the people in the area, often learning English after their arrival.

The Lebanese and Syrian Immigrants in North Sydney worked in many different industries, but most commonly they were business owners or merchants. Richard Jabalee's family provides an excellent example of one such family. Jabalee arrived, not speaking English, in 1909 and over the course of thirty years went from being an industrial worker and peddler to opening four grocery businesses in North Sydney, one of which was a grocery and warehouse at 5 Court Street/312 Commercial Street (PID 15028640). During the twentieth century, much of North Sydney's main street, Commercial Street, specifically from Court Street to Blowers Street, was made up of businesses owned and operated by the Lebanese and Syrian communities, some of which include the Raheys who owned a grocery business, the Shebibs who ran a shoe repair store, the Kawaja family who had a trading company, and the Balahs who sold ladies' and children's clothing, all in the North Sydney area.<sup>2</sup> Through their successful businesses and community contributions such as donations to local sports teams the Lebanese and Syrian communities in North Sydney made a memorable impact on the economy of North Sydney and all of Cape Breton.<sup>3</sup>

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<sup>1</sup> This comes from genealogical history collected by the North Sydney Area Lebanese Heritage Society as well as the 1921 Canadian Census.

<sup>2</sup> This comes from genealogical history collected by the North Sydney Area Lebanese Heritage Society.

<sup>3</sup> Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, [https://www.youtube.com/watch?v=amSizJ1d\\_ol](https://www.youtube.com/watch?v=amSizJ1d_ol)

Richard Jabalee's grocery businesses opened after four years of pedalling goods and working in various jobs in Cape Breton's industrial sphere. His first business, a wholesale grocery store, was run from a rented retail lot on Commercial Street and opened in 1917. In 1932, Jabalee decided to close his first business and purchase and open a different wholesale store on Commercial street as well as The Quality Store (another grocery store). The grocery store and warehouse run from 5 Court street and 312 Commercial Street (██████████) were the last of Richard Jabalee's businesses to open. The building was designed and built in 1939 by Melbourne Russell (M.R.) Chappell, the staff architect at Chappell's Ltd., a well-known Sydney operated construction and stonemasonry company.<sup>4</sup> Jabalee's grocery businesses were a supplier for most Northside grocers during their operation and opened at a time of population growth in North Sydney, which created a demand for new businesses which would cater to the growing population's needs. Many others belonging to the Lebanese and Syrian communities in North Sydney contemporaneously opened businesses of their own at the beginning of the twentieth century.

While open, these businesses employed numerous people in North Sydney, some of whom were also immigrants from Lebanon and Syria, as warehouse loaders and stockers, grocery clerks, box boys, meat cutters, office workers or delivery drivers. Each of the Jabalee stores employed fifteen to twenty people at a time with the warehouse employing fewer, likely between two and three. Many immigrants from this community worked at Jabalee's stores until they got their own start.<sup>5</sup> One example of this is the Rahey brothers who were employed at Richard Jabalee's grocery store and went on to become well regarded businessmen and open their own successful grocery chain.<sup>6</sup>

Notably, Richard Jabalee is also known to have aided in the war efforts during World War Two. Jabalee's warehouse and wholesale at 5 Court Street and 312 Commercial Street opened in 1939, the year of the beginning of World War II. Preparations for the onset of World War II also meant a population increase in towns

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<sup>4</sup> Biographical Dictionary of Architects in Canada, Chappell, Melbourne Russell, <http://dictionaryofarchitectsincanada.org/node/907> (Accessed August 11, 2023)

<sup>5</sup> This comes from oral history given by Charlene Pedersen, head of the North Sydney Area Lebanese Heritage Society.

<sup>6</sup> Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, [https://www.youtube.com/watch?v=amSizJ1d\\_ol](https://www.youtube.com/watch?v=amSizJ1d_ol)

like North Sydney, as Canada began to increasingly stress the need for labour in industrial occupations like those at mines and plants. Jabalee's businesses grew with this population, providing employment opportunities and food for those at the home front. Wartime rationing did affect the product sold at Jabalee's stores, Harold Jabalee recounts that during the Second World War Jabalee's grocery stores did not sell their Canadian red brand beef, instead sending it overseas with the three ships he owned to service the convoys that left from Sydney Harbour.<sup>7</sup> Jabalee's businesses also partook in community aid at home. Much like other grocers and businesses in the twentieth century, Jabalee's businesses provided delivery options to the community and sponsored local sports teams. Harold Jabalee also recalled his father helping members of the community in need stating that "In those days there were no food banks...The merchants were the food banks: those who could pay made up for those who couldn't."<sup>8</sup>

Association of the property with a well-known person locally, provincially or nationally:

**Richard Jabalee:**

Jabalee was very well known both locally and throughout Atlantic Canada for numerous reasons. Richard Jabalee arrived in Nova Scotia with his father Asad in 1909 at the age of seventeen from Zahle, Lebanon and was followed by his mother and other siblings in 1913.<sup>9</sup> According to the oral testimony of Jabalee's son Harold, Richard Jabalee did not speak or read English when he arrived.<sup>10</sup> He first worked at a quarry in Georges River, then the local Nova Scotia Steel and Coal Company in Sydney Mines, then at the North Sydney docks and as a peddler before opening his first grocery store in a rented retail space on Commercial Street in 1917.<sup>11</sup> The 1917

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<sup>7</sup> Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/> (Accessed August 10, 2023).

<sup>8</sup> Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/> (Accessed August 10, 2023).

<sup>9</sup> In total the family included 4 sons and a daughter at the time of immigration. Statistics Canada, "Census of Canada, 1921" (RG31- Statistics Canada, 1921), page 9, <http://central.bac-lac.gc.ca/redirect?app=census&id=67607754&lang=eng>.

<sup>10</sup> Harold Jabalee, 2019, "Part 2 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, <https://www.youtube.com/watch?v=myGnyeGHlo>

<sup>11</sup> Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/> (Accessed August 10, 2023).

store was the first of a series of such businesses that were owned by Richard Jabalee and his family. After closing the first business, two more opened in 1932, The Quality Store and a wholesale, and finally the last business, a warehouse and grocery store at 5 Court Street and 312 Commercial Street (PID 15028640), opened in 1939.<sup>12</sup> Jabalee's warehouse was a supplier for many of the grocery stores in North Sydney throughout the twentieth century, also providing delivery services. Jabalee was commonly referred to as 'The Boss' by those who knew him in North Sydney.<sup>13</sup>

Richard Jabalee's businesses carried items that could not be found elsewhere and were considered to be high quality by his customers. In particular, Richard's grocery chain, R. Jabalee and Northern Wholesale (later renamed R. Jabalee & Sons Ltd. in 1955) sold beef sourced from the west of Canada, which he labelled Canada's finest Red Brand Beef. Richard's stores sold this product so well that the CEO of Canada Packers, Norman MacLean, travelled from Toronto to North Sydney to meet him in person.<sup>14</sup>

In addition to Richard Jabalee's entrepreneurial reputation he was also an avid race horse owner, gaining a particular reputation for one horse named Marjorie M, who was referred to as 'Queen of the Maritimes'.<sup>15</sup> According to the oral testimony of Richard's son Harold Jabalee, his father had always had a love for horses, beginning to purchase race horses in the 1920s and keeping them in Montreal, later moving them to Nova Scotia so that he could be closer to them.<sup>16</sup> Richard Jabalee himself did not race the horses, instead his brother Mike Jabalee or friend Earl Avery from

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<sup>12</sup> Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/> (Accessed August 10, 2023).

<sup>13</sup> Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, [https://www.youtube.com/watch?v=amSizJ1d\\_ol](https://www.youtube.com/watch?v=amSizJ1d_ol)

<sup>14</sup> Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/> (Accessed August 10, 2023).

<sup>15</sup> Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, [https://www.youtube.com/watch?v=amSizJ1d\\_ol](https://www.youtube.com/watch?v=amSizJ1d_ol); Gordon Sampson, "Hard work allows for quality purchases," *Saltwire*, November 17, 2019, <https://www.saltwire.com/cape-breton/opinion/hard-work-allows-for-quality-purchases-21190/>. (Accessed August 10, 2023).

<sup>16</sup> Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, [https://www.youtube.com/watch?v=amSizJ1d\\_ol](https://www.youtube.com/watch?v=amSizJ1d_ol)

New Brunswick acted as jockeys.<sup>17</sup> Jabalee was known to travel across America and the Maritimes to purchase horses and compete in horse racing competitions.<sup>18</sup> On one occasion Marjorie M was registered to compete at a race in Charlottetown, but instead the race was cancelled and Richard Jabalee was given the prize money as the organisers recognized that Marjorie would likely win.<sup>19</sup> Richard Jabalee took interest in other sports as well and was a shareholder and one of the original directors of the Northside Forum. He supported hockey and baseball in Cape Breton by attending games throughout the island and sponsoring local sports teams.<sup>20</sup> Richard Jabalee's success and reputation in the area is clearly displayed in a 1935 issue of the Sydney Post Record which included his name in a list of 'Leaders of Cape Breton.'<sup>21</sup>

### **Melbourne Russell Chappell:**

Melbourne Russell (M.R.) Chappell of Chappell's Ltd. (or Chappell Brothers & Co.) was the architect and builder of this building. Chappell is a person of note in the history of Nova Scotia, both for the work of his company as well as his purchase of Oak Island in the 1930s, and the treasure hunt there which he was committed to until his death in 1981.<sup>22</sup> Chappell also served as the Alderman for Sydney between 1924 and 1928.<sup>23</sup> M.R. Chappell's father William Chappell had founded the construction company Chappell's Ltd. in Sydney Nova Scotia and passed its management to his

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<sup>17</sup> Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, [https://www.youtube.com/watch?v=amSizJ1d\\_ol](https://www.youtube.com/watch?v=amSizJ1d_ol); Gordon Sampson, "Hard work allows for quality purchases," *Saltwire*, November 17, 2019, <https://www.saltwire.com/cape-breton/opinion/hard-work-allows-for-quality-purchases-21190/>. (Accessed August 10, 2023).

<sup>18</sup> Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, [https://www.youtube.com/watch?v=amSizJ1d\\_ol](https://www.youtube.com/watch?v=amSizJ1d_ol)

<sup>19</sup> Gordon Sampson, "Hard work allows for quality purchases," *Saltwire*, November 17, 2019, <https://www.saltwire.com/cape-breton/opinion/hard-work-allows-for-quality-purchases-21190/>. (Accessed August 10, 2023).

<sup>20</sup> Gordon Sampson, "Hard work allows for quality purchases," *Saltwire*, November 17, 2019, <https://www.saltwire.com/cape-breton/opinion/hard-work-allows-for-quality-purchases-21190/>. (Accessed August 10, 2023).

<sup>21</sup> Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/>. (Accessed August 10, 2023).

<sup>22</sup> "Chappell, Melbourne Russell," *Biographical Dictionary of Architects in Canada, 1800-1950*. Accessed August 10, 2023, <http://dictionaryofarchitectsincanada.org/node/907>.

<sup>23</sup> "Chappell, Melbourne Russell," *Biographical Dictionary of Architects in Canada, 1800-1950*. Accessed August 10, 2023, <http://dictionaryofarchitectsincanada.org/node/907>.

four sons upon his death.<sup>24</sup> Chappell's Ltd. was given contracts for several buildings around the province with M.R. Chappell being the staff architect for the firm. He was awarded the contract for 5 Court Street and 312 Commercial Street (PID 15028640) in 1939.<sup>25</sup> Some of Chappell's other works included the Isle Royale Hotel (1927), a theatre for a D.P. MacDonald (1938), and the Young Men's Christian Association (1940) in Sydney Nova Scotia, and the Maritime Winter Fair Arena in Amherst, Nova Scotia (1939) all of which have since been demolished.

**4. Are there any additional comments regarding the age and history of the structure that you can provide? If so, provide details.**

Oral history collected from Harold Jabalee indicates that the warehouse portion of the building burned down around 1950 and was rebuilt soon after.<sup>26</sup>

In 2008 the property was purchased by Paul Finney, Sherry Finney, Dale Finney and Robert Dickson, who renovated and in part restored the exterior and interior of the building.<sup>27</sup> The building continues to be used for commercial purposes, now housing several businesses inside including Breton Print, Bare Envy Skincare, and Trinity's Florals in the 5 Court Street unit and Nathan Ryan Law and Nora's 2 in the 312 Commercial Street unit.

**Architectural Information**

**1. Is the name of the Architect or Building known, if so provide?:**

The contract for the construction of the building was awarded to Melbourne Russell Chappell in 1939 and the construction was paid for by Richard Jabalee.<sup>28</sup> Melbourne

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<sup>24</sup> "Chappell, Melbourne Russell," *Biographical Dictionary of Architects in Canada, 1800-1950*. Accessed August 10, 2023, <http://dictionaryofarchitectsincanada.org/node/907>.

<sup>25</sup> Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/> (Accessed August 10, 2023).

<sup>26</sup> Harold Jabalee, 2019, "Part 7 - Interview with Harold Jabalee (with Edna Jabalee)," interview by Isabel Rahey-Tobin, October 25, 2019, <https://www.youtube.com/watch?v=-zp7Rls3uww>.

<sup>27</sup> Michael Tobin, 2008, "Deed: John Cruickshank Enterprises Limited to Paul Finney, Sherry Finney, Robert Dickson and Dale Finney," *Registry of Deeds*, January 30.

<sup>28</sup> Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/> (Accessed August 10, 2023).

Russell Chappell was also the architect for the project as he was the staff architect for Chappell's Ltd..<sup>29</sup>

## **2. Was the architect/builder of particular importance at the regional or local level?**

Melbourne Russell (M.R.) Chappell and his three brothers ran Chappell's Ltd. out of Sydney NS and were well known in the area as a reputable stonemasonry and construction company. The company was founded by their father William Chappell. Work attributed to Chappell's Ltd. and more specifically M.R. Chappell could be found mainly in Cape Breton but also in Amherst Nova Scotia. Some examples of his work included the Isle Royale Hotel built in 1927, a theatre for a D.P. MacDonald (1938), and the Young Men's Christian Association (1940) in Sydney Nova Scotia, and the Maritime Winter Fair Arena in Amherst (1939), Nova Scotia, all of which have unfortunately been demolished.<sup>30</sup> M.R. Chappell is also well-known for purchasing Oak Island in the 1930s and is credited with starting search efforts for treasure there.<sup>31</sup>

## **3. Does the building exhibit any unusual or unique architectural features? If yes, describe these features:**

The building features a cement inlay in the brick on the 312 Commercial Street storefront which reads "1939 R. Jabalee". Additionally, the L-shaped nature of the building, allowing enough space for both the warehouse and grocery store, is also unusual, but allows for the best use of this plot of land. Aside from the shape and other unique characteristics, this building is typical of warehouses and other industrial buildings of this period, like Pictou Iron Foundry located in Pictou, Nova Scotia, a provincially registered heritage property.<sup>32</sup>

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<sup>29</sup> "Chappell, Melbourne Russell," *Biographical Dictionary of Architects in Canada, 1800-1950*. Accessed August 10, 2023, <http://dictionaryofarchitectsincanada.org/node/907>.

<sup>30</sup> Chappell, Melbourne Russell," *Biographical Dictionary of Architects in Canada, 1800-1950*. Accessed August 10, 2023, <http://dictionaryofarchitectsincanada.org/node/907>.

<sup>31</sup> "Chappell, Melbourne Russell," *Biographical Dictionary of Architects in Canada, 1800-1950*. Accessed August 10, 2023, <http://dictionaryofarchitectsincanada.org/node/907>.

<sup>32</sup> Canada's Historic Places, "Pictou Iron Foundry," n.d. *Historic Places Canada*, <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=14796&pid=0#:~:text=Description%20of%20Historic%20Place,included%20in%20the%20provincial%20designation>.

**4. Does the architecture have a distinct design unique to the local area? If yes, describe:**

Commercial Street in North Sydney (between Blowers Street and Court Street), an area where many of the buildings were owned by members of the Lebanese and Syrian communities throughout the 20th century, is defined by commercial, residential and industrial buildings similar to 5 Court Street/312 Commercial Street. This building is, however, architecturally unique in North Sydney due to its L-shape. This building and those that surround it illustrate the Lebanese and Syrian community's experiences during and contributions to the economic growth of North Sydney throughout the twentieth century.

**Construction Information**

**1. Type of Construction (For example, wood frame, mortar, brick, etc)**

5 Court Street:

Exterior:

The unit's exterior is rectangular with a gabled roof which overhangs slightly at the Court Street face. It is of wood frame construction with a cement foundation and with brick cladding. The bricks are painted red. On the southwest face the bricks on the lower half of the wall are exposed and painted red but covered with red metal siding on the upper half. It is not known when the red siding was installed, however, this was done while the warehouse was in business as when the present owners bought the building in 2008 there was a sign painted on the siding reading 'R. Jabalee & Sons.' This has since been removed. Black painted wooden dentils separate the exposed brick from the siding on the upper portion of the unit. The southwest side of the unit also features a rectangular window centrally placed above a three paned display window with two double-doors on either side. The moulding around the windows and doors is wood and is painted black. The sides of the unit are constructed of bricks which are covered in a layer of red painted concrete to provide stability. Windows line the sides of the building and have stone sills. The unit has a gabled roof which meets columns on either end. At the northeast corner of the warehouse on Court Street, the structure connects at a ninety-degree angle with the store on Commercial Street making it one L-shaped building.

Interior:

The top floor of the building retains visible elements of its original construction including exposed wood beams and brick walls. This space was renovated in 2022 and the owners have ensured that these characteristics remain visible and pay tribute to the building as a heritage structure.

**312 Commercial Street:**

The unit is rectangular with a gabled roof with columns on either side and a slight overhang. The unit has a cement foundation and is constructed of brick which is left exposed on the sides or of the structure. The Commercial Street face of the store features two recessed doors and several display windows covered by metal awnings, all with painted black wood trim. The top section of the Commercial Street storefront is covered with blue vertical metal siding. At the centre of the Commercial Street face there is a cement inlay in the brick which reads '1939: R. Jabalee' indicating the date of construction. Separated from the metal siding by black trim, the bottom half is covered with wooden panelling which is painted light blue. The column on either side of the storefront is covered in white vertical metal siding with black trim. The rear of this unit connects it with the warehouse at a ninety degree angle making it one L-shaped building.

**2. Does the building exhibit any interesting construction techniques or particular building technologies (i.e. wooden pegs, mortise and tenon, etc.)?**

Not to our knowledge.

**3. Present Building Condition**

Poor

Fair

Good

Excellent

**Alteration Information**

**1. Has the exterior of the building been structurally altered from its original appearance? If yes, when?**

**5 Court Street**

The exterior of this section of the property has retained many original elements.

Numerous restoration and renovations have been completed between 2008 and the

present. The present owners purchased the property in 2008, at this time the warehouse still had a sign painted directly onto the siding reading 'Jabalee and Sons Ltd.' The siding on the lower half of the building was removed shortly following the building's purchase in 2008. This renovation exposed the original brick which is painted red. Along with this change, the present owners also converted a garage door that was formerly centrally placed on Court Street face of the building into a large window with a black painted wooden frame, a change that references the original garage doors and keeps with the style of the building. At the same time as this renovation, they also converted the single doors and windows on either side of the garage door into double doors with black painted wooden frames; this was done to facilitate better access to the multiple retail rental units present inside the warehouse today. The window on the top half of the Court Street face as well as all of the windows on other faces of the unit are original and their frames were repainted black around the time of this renovation. The present owners have also worked to restore the cement coating over the exposed brick and the window sills along the sides of the building.

### 312 Commercial Street

The storefront on Commercial Street has changed significantly since the business's operation in the twentieth century. The storefront was formerly entirely glass aside from two recessed entryways. At an unknown date this storefront was renovated to then feature one recessed entryway with the remaining wall being made of windows. The present owners have renovated this storefront twice since its purchase in 2008. The first renovation in 2008 resulted in the Commercial Street face having two recessed entryways, placed differently than the original construction, and three windows covered with red cloth awnings and surrounded with black painted trim. During the 2008 renovation the walls were covered with beige metal siding which was over the original brick. In 2020 further exterior renovations took place which changed the colour of the metal siding from beige to blue and changed the awnings over windows from red cloth to white metal.

### **Contextual Information**

#### **1. Does the building serve as a visual landmark? Why?**

The building serves as a landmark along Court and Commercial Street because of its size, design, and placement. The Court Street warehouse serves as a visual landmark as it is one of the only industrial style buildings located on the street. The warehouse is also the tallest building on this street, being two storeys tall, and is painted red, making it clearly visible and unique from its surroundings. The Commercial Street storefront also serves as a visual landmark due to its unique appearance. The inclusion of columns on either side of the structure and awnings over the display windows as well as the store's roofline differentiate it from neighbouring buildings. This storefront also serves as a visual landmark due to the cement inlay dating the building to 1939. This element not only helps to identify the age of this specific structure but also helps to place this building and those around it in a time when North Sydney and its Lebanese and Syrian population were economically flourishing, and this part of Cape Breton was a hub of activity. Aside from being a physical landmark this structure also serves as a cultural landmark within the community. The grocery store and warehouse were located in the commercial centre of North Sydney. More specifically they were located in an area of a few blocks which was almost entirely owned by Lebanese and Syrian immigrants, many of whom lived in the residential neighbourhood behind Commercial Street. Children who grew up in this community during the store's operation have memories of going to Jabalee's grocery store after school to pick up candies from Jabalee's warehouse on the way to play games on the field where Ultramar sits today.<sup>33</sup> Others in the community recall family members working for Jabalee at one of his businesses, like the grocery store and warehouse, as they found their place in North Sydney or waited to start their own businesses as many in the Lebanese and Syrian communities did.<sup>34</sup>

## **2. How do nearby buildings compare with the subject property?**

The grocery store and warehouse on Court Street and Commercial Street stands out from the surrounding buildings. The design of both street facing facades of this building differs from those neighbouring it in shape. The roofline on Court Street and

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<sup>33</sup> Harold Jabalee, 2019, "Part 2 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, <https://www.youtube.com/watch?v=myGnyeHGl0>

<sup>34</sup> Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, [https://www.youtube.com/watch?v=amSizJ1d\\_ol](https://www.youtube.com/watch?v=amSizJ1d_ol)

Commercial Street features a gable met as each side of the facade by columns, while other rooflines on Court and Commercial Street are mostly flat. In addition to this the Court Street warehouse is red in colour compared to two grey buildings which neighbour it. The Commercial Street storefront also features white metal awnings that are not present on other buildings along Commercial Street. More broadly speaking, the building is not uncharacteristic of this section of Commercial Street, running historically from Blowers Street to Court Street, most of which was owned by the Lebanese and Syrian Community. Many of the buildings on Commercial Street feature similar boomtown facades to 312 Commercial Street / 5 Court Street. This building's registration would help to preserve more than just the memory of Jabalee's family businesses, but also the many other Lebanese and Syrian owned businesses along this street.

**Photographs:**



Photograph taken around 1950 depicting the fire damage at the warehouse at 5 Court Street. The photograph was taken from Court Street looking towards Blowers Street. The wall connecting the warehouse to the grocery store is to the right of the camera shot.

Source: Charlene Rahey-Pedersen in North Sydney Area Lebanese Heritage Society, "1950 Fire at R. Jabalee Meats and Groceries," Facebook, October 27, 2019,

<https://www.facebook.com/photo/?fbid=10156380440206822&set=oa.2488528464598250>



Photograph taken in 2008 showing the Court Street warehouse storefront before the present owners first renovation.

Source: Photograph taken by [REDACTED].



Photograph taken before 2012 showing renovation progress at the Court Street warehouse.

Source: Photograph taken by [REDACTED].



Photograph taken in 2012 of the Court Street storefront as well as its northwestern wall.

Source: Cropped image from Google Street View (5 Court Street, North Sydney, B2A 1C2)

Application for 5 Court Street and 312 Commercial Street, CBRM



Photograph taken in 2012 of the Court Street storefront of the building.

Source: Cropped image from Google Street View (5 Court Street, North Sydney, B2A 1C2).



Photograph taken in 2016 depicting the storefront on Court Street.

Source: Lou Musgrave in North Sydney Area Lebanese Society's page, 2019, "This building will be familiar to many Northsiders. Located on the lower end of Court Street across from the Vooght Building, it housed the operations of Northern Wholesale also known as Jabalee's Wholesale." Facebook, August 4, 2019.

<https://www.facebook.com/photo/?fbid=1284415465073375&set=gm.2332318270219271>



Photograph taken in 2022 depicting 5 Court Street and 312 Commercial street from Blowers Street.

Source: Cropped image from Google Street View (10 Blowers Street, North Sydney, B2A 2Y2)



Photograph taken before 2022 showing the second floor of the warehouse with original wood frame and exposed brick.

Source: photograph taken by [REDACTED].



Photograph taken in 2022 showing the 2nd floor of the warehouse with original exposed brick, floors, and wooden frame.

Source: Photograph taken by [REDACTED].



Photograph taken in 2022 showing the 2nd floor of the warehouse with original floor and exposed wooden frame.

Source: Photograph taken by [REDACTED].



Photograph taken in the 1950s depicting Richard Jabalee and others in front of his grocery store on Commercial Street.

Source: Charlene Rahey-Pedersen in North Sydney Area Lebanese Heritage Society's page, 2019, "R. Jabalees Meats and Groceries," Facebook, October 27, 2019.

<https://www.facebook.com/photo/?fbid=10156380440481822&set=oa.2488528464598250>.



Photograph taken around the 1950s featuring the Commercial Street storefront of the building.

Source: Charlene Rahey-Pedersen in North Sydney Area Lebanese Heritage Society, "Easter Window at R. Jabalee Meats and Groceries. In the window is Nicholas Rahey and Richard Jabalee," Facebook, October 27, 2019,

<https://www.facebook.com/photo/?fbid=10156380440526822&set=oa.2488528464598250>



Photograph taken in the 1970s depicting Commercial Street with R. Jabalee & Sons Supermarket on the left.

Source: Lou Musgrave in North Sydney Area Lebanese Heritage Society's page, 2021, "Downtown North Sydney, from Court St to Blowers. Coming and going. Look like seventies era photos," Facebook, November 12, 2021,

<https://www.facebook.com/photo/?fbid=1981789132002668&set=oa.589161462133888>



Photograph taken around the 1970s depicting the Commercial Street storefront of R. Jabalee & Sons Supermarket.

Source: Lou Musgrave in North Sydney Area Lebanese Heritage Society's page, 2021, no caption, Facebook, November 12, 2021,

<https://www.facebook.com/photo/?fbid=1981790718669176&set=oa.589161462133888>



Photograph taken between 2008 and 2022 depicting the Commercial Street storefront of the building.

Source: Lou Musgrave in North Sydney Area Lebanese Heritage Society's page, 2019, "The changing face of downtown North Sydney. The black and white is a fifties era photograph of R. Jabalee's Grocery. The other photo shows the building today," Facebook, July 3, 2019, <https://www.facebook.com/photo/?fbid=1260981054083483&set=pcb.2276429512474814>

Application for 5 Court Street and 312 Commercial Street, CBRM



Photograph taken in 2022 depicting the Commercial Street storefront of the building.

Source: Cropped image from Google Street View (312 Commercial Street, North Sydney, B2A 1C3)



Photograph taken in 2023 of the Commercial Street Storefront, showing the cement inlay reading “1939 R. Jabalee.”

Source: photograph taken by [REDACTED].



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This indenture

made the seventeenth day of October  
in the year of Our Lord One Thousand Nine Hundred and thirty-nine.

It is essential that the said Grants

are me, the  
be to foggy

for and in consideration of the sum of

One Heller

of lawful money of the Dominion of Canada, to the said

Gratias

is hand well and truly paid by the said

*Scintex*

at or before the sealing and delivery of **These presents**, the receipt whereof is hereby acknowledged,

accused and confirmed and by these Presidents

granted, ballyhooed, sold, alienated, enfeoffed, released, remised,

do not feel of them does

grant, bargain, sell, offer, enfeoff,

release, remise, convey and confirm unto the said

Grant, his

Heirs and Assigns, etc. that certain lot, being an parcel of land and premises situated being said being in the City of North Sydney, in the County of York, British, bounded and described as follows: Beginning at a point on the northern side of Commercial Street just point being the intersection corner of the lot formerly owned and occupied by Mary Bentle; thence running north at right angles to Commercial Street one hundred forty-five (145) feet to the northern boundary line of lot No. 8 in Block 10 of the 6th Ward plan of the Bruffell Estate; thence northward along the northern boundary line of said lot No. 8 a distance of (84) eighty-four feet, more or less to the eastern boundary line of Cobst Street; thence southward along the said eastern side line of Cobst Street fifty (50) feet to the northeast corner of lot No. 17 in said Block 10, all land and occupied by Joseph Waller; thence at right angles easterly along the said northern boundary line of said lot No. 17, forty feet; thence at right angles southwardly along the eastern boundary line of said lot No. 17, ninety-five (95) feet to the northern side line of Commercial Street; thence easterly along the said east boundary line of Commercial Street forty-five (45) feet to the point of beginning and being part of the said commercial by Mary Bentle to Michael S. Thompson and others witness,

together with all and singular the Buildings, Easements, Tenements, Hereditaments and Appurtenances to the same belonging, or in anywise appertaining, with the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim, property and demand, both at law and in equity of

the said Grantor

of, in, to, or out of the same, or any part thereof: **TO HAVE AND TO HOLD** the said Land and Premises with the appurtenances and every part thereof, unto the said

Grantee, his

Heirs and Assigns to *his and*  
and the said

their sole use, benefit and behoof forever,

Re:  
and with the said

Heirs, Executors and Administrators, hereby covenant, promise and agree to

Heirs and Assigns, in manner following, that is to say: That it shall be lawful for the said

Heirs and Assigns, from time to time, and at all times hereafter, peaceably and quietly, to enter into the said Land and Premises, and to have, hold, occupy, possess and enjoy the same without the lawful let, suit, hindrance, eviction, denial or disturbance of, from or by the said.

or any person or persons whatsoever, lawfully claiming or to claim the same. And also that the said

a good, sure, perfect and indefeasible estate of inheritance, in fee simple in the said Land and Premises, and good right, full power and lawful authority to sell and convey the same in manner and form as they are hereby sold and conveyed and mentioned as intended so to be, and that the same are free from encumbrances.

And lastly that the said

Heirs, the said Land and Premises, and every part thereof, unto the said

Heirs and Assigns against the lawful claims of all persons whomsoever shall and will by these presents warrant and forever defend.

*In Witness Whereof*, the said parties to these presents have hereunto set their Hands and Seals affixed, the day and year first above written.

Signed, sealed and delivered  
in the presence of }



PROVINCE OF  
County of York

Be it Rem-  
before me, the  
Ethel G.  
who, having b-  
Indenture, is b-  
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PROVINCE OF  
County of York

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PROVINCE OF NOVA SCOTIA,

County of Yarmouth ss.

Be it Remembered, that on this the 18th

day of October

A. D., 19<sup>39</sup>

before me, the Subscriber personally came and appeared

*Etta Thompson* wife of *Willard S. Thompson* mentioned in the foregoing Indenture, who, having been by me examined separate and apart from her said husband, did declare and acknowledge that the said Indenture, is her free act and deed, and that she executed the same freely and voluntarily, without fear, threat or compulsion of, from or by her said husband, and for a full release of all her claims to the lands and premises mentioned therein.

*J. G. Hackett, a Commissioner  
of the Supreme & County Court in and for the Province of Nova Scotia.*

PROVINCE OF NOVA SCOTIA,

County of Yarmouth ss.

18th

October

A. D., 19<sup>39</sup>

On this day of October, before me, the subscriber, personally came and appeared *Priscilla Shifford Miller*, subscribing Witness to the foregoing Indenture, who having been by me duly sworn, made oath and said that

*Willard S. Thompson, Etta Thompson and Priscilla Miller*  
the parties thereto signed, sealed and delivered the same in his presence.

*J. G. Hackett, a Commissioner  
of the Supreme & County Court in and for the Province of Nova Scotia.*

Entered on record at my office, on the twentieth day of October  
A.D. 1939, on faith of the foregoing certificate by the *J. G. Hackett*  
Regd

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(S.D.)

A.C.O.Y.

D.J. 494, Doc. 2913

This is the last Will and testament of me, Richard Jabalee, of North Sydney in the County of Cape Breton Merchant. I hereby revoke all former Wills or other testamentary dispositions by me at any time heretofore made.

1. I appoint my son, George Jabalee, to be Executor of this my Will.
2. I direct my Executor to pay all my just debts, funeral and testamentary expenses as soon as conveniently may after my decease.
3. I direct my Executor to use the sum of Two Hundred Dollars for Mass Offerings for the repose of my soul and the soul of my late wife, Edna Jabalee.
4. I give and bequeath to St. Joseph's Parish, North Sydney, the sum of Five Hundred Dollars.
5. I direct my Executor to pay to the male parent of my grandchildren (three in number) the sum of Two Thousand Dollars for each child of said parent. I would like this sum to be used towards the education of such children but if it is not so used it is to be paid over to such children when each becomes of legal age.
6. I give and bequeath to my daughter, Rose Marie Jabalee, all my household furniture and effects and all articles

8. I give and bequeath to my daughter, Rose Marie Jabalee, the sum of Twenty-five Thousand Dollars (\$25,000.00).

9. I give and bequeath to my daughter, Rose Marie Jabalee, one thousand of my shares of the common stock of The Royal Bank of Canada.

10. I give and bequeath to my sister-in-law, Mary Kascouf, the sum of Fifteen Thousand Dollars (\$15,000.00).

11. I give and bequeath to my sister-in-law, Mary Kascouf, five hundred of my shares of the common stock of The Royal Bank of Canada.

12. I give and bequeath to my daughter, Rose Marie Jabalee, and to my sister-in-law, Mary Kascouf, in equal shares

the proceeds of my two life insurance policies with the New York Life Insurance Company, together with any additions or accretions thereto.

13. I give and bequeath to my daughter-in-law, Edna Jabalee, wife of my son Harold, the sum of Five Thousand Dollars (\$5,000.00).

14. I give and bequeath to my son, George Jabalee, all of my Preference Shares (Preferred Shares) of the capital stock of R. Jabalee & Sons Limited.

15. I give and bequeath to my son, George Jabalee, sixty (60) percent of my common shares of the capital stock of R. Jabalee & Sons Limited.

16. I give and bequeath my remaining shares of the common stock of R. Jabalee & Sons Limited to my son George Jabalee in Trust to hold the same in Nomine for a period of ten years after my death. At the end of the ten year period he is to

496.

business is carried on if it is not continued for ten years after my death. If only one of my said two sons continues to be engaged in the operation of the said business for the said period of ten years then the shares which were to go to the other son shall also go to the son who continued to be engaged in the operation of the said business. If neither my son Harold or my son Joseph continues to be engaged in the operation of the said business then all of the remaining shares are to go to my son, George Jabalee. Temporary absences due to ill health or for any reason acceptable to George Jabalee as Trustee are not to be considered as being absent. If either my son Harold or my son Joseph should die during the ten year period then other terms of this my Will shall come into effect.

17. Notwithstanding the provisions of Clause 16 above of this my Will if my son George Jabalee in his sole discretion considers it advisable or desirable or in the interest of the business or for any other reason to terminate the Trust by which he hold the said shares he may do so in whole or in part and deliver to his brother or brothers the shares he holds in trust for each of them or any part of the said shares, either at one time or at different times, regardless whether they or either of them are engaged in the operation of the said business or were so engaged at the time of my death or if they were so engaged from time to time though not continuously.

18. During the time my son George Jabalee is holding the said shares mentioned in Clause 16 hereof in trust he may, if the company declares a dividend in any year, pay the said dividend to his brothers on the shares he hold in trust for

shares and divide the proceeds of such sale or sales between his brothers in the same proportion as he is to divide the shares at the end of the ten year period provided they are actively engaged in the operation of the said business.

19. If either of my sons Harold or Joseph should die before the expiration of the ten year period while being actively engaged in the operation of the said business but leaving a child or children him surviving then the shares which would have gone to the father had he lived are to go to such child or children at the end of the ten year period or at such earlier time as my son George Jabalee as Trustee may think advisable or desirable.

In the event that a child or children living at the time of the death of the male parent should die before the end of the ten year period without a brother or sister surviving then the shares which would have gone to the male parent had he lived are to go to my other children then living in equal shares.

In the event that my son George Jabalee should die before the expiration of the said ten year period then the trust shall terminate at his death and the shares so held by him in trust shall become the property of my sons Harold and Joseph Jabalee in the proportions hereinbefore mentioned provided they are engaged in the operation of the said business and if only one is so engaged the said shares are to go to him. If neither of them are so engaged in the operation of the business then the said shares are to go to my children then living in equal shares.

20. I give and devise all my real estate, except that left to my daughter, Rose Marie by Clause 7 of this my Will to my son, George Jabalee, <sup>Page 101</sup>literately.

498.

22.

I give, devise and bequeath all the rest, residue and remainder of my estate to my sons in the following manner and proportion:

70 percent to my son, George Jabalee,

15 percent to my son, Joseph Jabalee,

15 percent to my son, Harold Jabalee,

and if any of my said sons should die before me then the share of the residue of my estate which was to have gone to such son had he lived is to go to his children in equal shares.

In the event that my son, George Jabalee, should die before me then I appoint my other living children to be Executors of this my Will.

In Witness Whereof I have hereunto set my hand at North Sydney, Nova Scotia this 9th. day of January, A.

D. 1981.

Signed, published and declared by Richard Jabalee as his last Will in the presence of us both being present at the same time who at his request and in his presence and in the presence of each other have signed hereunder as Witnesses:

# THIS WARRANTY DEED

made this 30th day of

January, A.D. 2008.

**BETWEEN:** JOHN CRUIKSHANK ENTERPRISES LTD. a body corporate.

hereinafter called the "GRANTOR"

OF THE ONE PART

**AND:**

PAUL FINNEY and his wife, SHERRY FINNEY, and ROBERT DICKSON, all of Sydney Mines, Cape Breton Regional Municipality, Province of Nova Scotia; and DALE FINNEY, of Oshawa, Province of Ontario.

hereinafter called the "GRANTEEES"

OF THE OTHER PART

**WITNESSETH** that in consideration of One Dollar (\$1.00) and other good and valuable consideration:

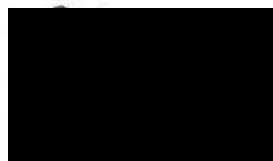
**THE GRANTOR** hereby conveys to the Grantee the lands described in Schedule "A" to this Warranty Deed and hereby consents to this disposition, pursuant to the Matrimonial Property Act of Nova Scotia, as Joint Tenants and not as Tenants-in-Common.

**THE GRANTOR** covenants with the Grantee that the Grantee shall have quiet enjoyment of the lands, that the Grantor has a good title in fee simple to the lands and the right to convey them as hereby conveyed, that they are free from encumbrances and that the Grantor will procure such further assurances as may be reasonably required and it is agreed and declared that the terms "Grantor" and "Grantee" used in this Deed shall be construed to include the plural as well as singular and the masculine, feminine or neuter genders where the context so requires.

IN WITNESS WHEREOF, the party to these presents has hereunto set his hand and seal on the day and year first above written.

**SIGNED, SEALED AND DELIVERED)**

in the presence of:



Michael A. Tobia  
A Barrister of the Supreme Court  
of Nova Scotia

) JOHN CRUICKSHANK ENTERPRISES LTD

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**AFFIDAVIT OF STATUS**

**PROVINCE OF NOVA SCOTIA  
TOWN OF NORTH SYDNEY**

I, John Cruickshank, of Sydney, Province of Nova Scotia, make oath and say as follows:

1. **THAT** I am the authorized signatory of John Cruickshank Enterprises Limited and as such have a personal knowledge of the matters herein deposed to.

2. **THAT** no signing officer of John Cruickshank Enterprises Limited occupies the above referred to lands as set out in Schedule "A" annexed hereto as a matrimonial home.

**SWORN TO** at North Sydney, )  
Province of Nova Scotia, this 30th )  
day of January, A.D. 2008, before me: )

JOHN CRUICKSHANK

**A BARRISTER OF THE SUPREME  
COURT OF NOVA SCOTIA** )

Michael A. Tobin  
A Barrister of the Supreme Court  
of Nova Scotia

2008-01-25 10:00:43

**PDCA: NOTIFICATION OF APPROVAL**

This is to confirm that we have approved a Parcel Description Certification Application for the following parcel:  
15028640

The Type of Application is EXISTING PARCEL.

The Application Number is 263758.

The User Supplied Reference is CRUICHSHANK

**Parcel Description:**

All that certain lot, piece or parcel of land and premises situate, lying and being in the Town of North Sydney, in the County of Cape Breton and Province of Nova Scotia, bounded and described as follows:

BEGINNING at a point on the northern side of Commercial Street, said point being the southeastern corner of the lot formerly owned and occupied by Mary Gentle;

THENCE running north at right angles to Commercial Street one hundred and forty five (145) feet to the northern boundary line of Lot No. 8 in Block Letter K on the C.M. Odell plan of the Bressitt Estate;

THENCE westwardly along the northern boundary line of said Lot No. 8 a distance of (84) eighty-four feet, more or less to the eastern boundary line of Court Street;

THENCE southerly along the said eastern side line of Court Street fifty (50) feet to the northwest corner of Lot No. 17 in said Block K now owned and occupied by Joseph Naddaf;

THENCE at right angles eastwardly along the said northern boundary line of said Lot No. 17, forty (40) feet;

THENCE at right angles southwardly along the eastern boundary line of said Lot No. 17, ninety-five (95) feet to the northern side line of Commercial Street;

THENCE eastwardly along the said last named street line forty-six (46) feet to the POINT OF BEGINNING.

The description for this parcel originates with a Deed dated October 17, 1939, registered in the Registration District of Cape Breton County in Book 379 at Page 103 and the subdivision is validated by Section 291 of the Municipal Government Act.

CAPE BRETON COUNTY Land Registration Office

**Property Requesting Registration: 5 Court Street/312 Commercial Street, North Sydney (PID 15028640)**

<b>Historic Significance</b>		
Age of Property 1939 & 1950	30 points	20 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	10 points
Association of the property with a well-known person locally, provincially or nationally	10 points	5 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	0 points
<b>Architectural Significance</b>		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	10 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed [(a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house))]	50 points	20 points
Exterior is wood, clay brick or natural stone	10 points	5 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	-10 points
Property is in a deteriorated state, requiring major repairs	-15 point	0 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	0 points
<b>Cultural Significance</b>		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	15 points
Association of the property with social or sports events within a community over a long period of time	25 points	0 points
<b>*Total</b>	<b>165 points</b>	<b>75 points</b>

\* It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.



**TO:** Heritage Advisory Committee

**DATE:** May 21, 2025

**FROM:** Karen Neville

**RE:** Request for Municipal Heritage Registration – Bethel Presbyterian Church (9 Brookland Street, Sydney)

---

**Background**

A request has been received from Brad Gillespie, Elder of the Bethel Presbyterian Church, to register 9 Brookland Street, Sydney (PID 15066780) as a Municipal Heritage Property (Attachment A). The applicant's submission for Heritage Registration can be found in Attachments B through L. The unique architectural features along with its cultural significance are cited for the reasons for Municipal Heritage Registration.

Completed in 1926, the Bethel Presbyterian Church has served as a continuous place of worship for nearly a century and holds significant historical, architectural, and cultural value within the community. Architecturally, the church is an example of Old Colonial design, featuring large white columns, a distinctive rosette window, and four floor-to-ceiling stained glass windows (Attachments F, G, H, I, and J). The church's steeple, still one of the tallest structures in downtown Sydney, remains a visual landmark, easily visible to those entering Sydney via George Street. The building was designed by architect William F. Sparling and Company of Toronto. Construction was led by Chappells Limited which was operated by M.R. Chappell, who was a Sydney Alderman during the time of construction.

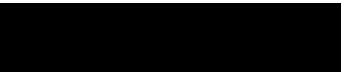
The building incorporates innovative construction methods for its time, including steel roof trusses and columns, chosen for their fire-retardant properties in response to earlier church fires. The structure remains in good condition, with the original wooden clapboard preserved beneath aluminum siding added before 1970. The historic bell, cast in 1857 and previously used in two earlier Presbyterian churches, continues to ring from Bethel's steeple, making it the oldest bell in use in Sydney. In addition, the sanctuary houses a Casavant Brothers Organ, installed in 1966 and still in use today (Attachment K and L).

As indicated, the applicant is requesting Municipal Heritage Registration based on the unique architectural and cultural significance. While the combination of architecture features and cultural significance supports the request for Municipal Heritage Registration of the property, the scores associated with architectural significance are the main reasons for considering this property as a Municipal Heritage Property. The scoring criteria for this property can be found in Attachment M.

**Recommendation**

It is recommend the Heritage Advisory Committee advise Council to initiate the process for registering Bethel Presbyterian Church located at 9 Brookland Street, Sydney (PID 15066780) as a Municipal Heritage Property.

Submitted by:



Karen Neville  
Planning and Development Department

## Information to Support a Municipal Registration Request

B

Please accept the information presented below and attached as the formal request by Bethel Presbyterian Church, Sydney, to have its Church Building at the Corner of Brookland and George Streets, Sydney, registered as a Municipal Heritage Property. Thanks for your consideration.

### Historical Information

1. Age of Property:

Building completed 99 years ago in 1926.

2. Source of Information:

Sydney Record Newspaper, November 1926, Original Church Bulletin from the Dedication Service in 1926 and Session Meeting notes. Images of all these sources are attached.

3. Does this property have an association with the life or activities of a person, group, organization, institution or an event that has made a significant contribution to the local community, municipality, province, or country? If so, provide details.

Home of this congregation since 1926, it was constructed due to a split within the Presbyterian Church in Canada (30%) that formed the United Church of Canada (70%) in 1925 and has been a continuous place of worship for our Congregation ever since. In addition to being a place of worship, Bethel holds yearly fundraisers for Loaves and Fishes in Sydney, Camp MacLeod in Mira, and distributes almost \$10,000 in food vouchers every year to the local community.

4. Are there any additional comments regarding the age and history of the structure that you can provide? If so, provide details.

The Church bell was originally installed in the first Presbyterian Church built in Sydney on Charlotte St., then moved to the 2<sup>nd</sup> Church built on Pitt St., but was presented to Bethel upon completion of construction. The bell is inscribed "Menellys, West Troy, N.Y. 1857", making it the oldest still in use in Sydney. In addition to this, Bethel's Casavant Brothers Organ (No. 415) was installed in 1966. (Photo of installation plaque attached)

### Architectural Information

1. Is the name of the Architect or Building known, if so provide?

Architect: Wm. F. Sparling Co. Toronto. Chappells Limited, General Contractor

2. Was the architect/builder of particular importance at the regional or local level?

--In 1924, the year prior to beginning construction Bethel Church, W.F. Sparling Co. completed The Metropolitan Building in Toronto. At the time, the skyscraper was the tallest building in the British Empire at 21 storeys.

--Chappells Limited (Sydney) was operated by M.R. Chappell, who was a Sydney Alderman (1924-28) during the time of construction. Shortly thereafter he purchased Oak Island to search for treasure. Other local projects M.R. worked on and/or helped design were a hotel on the corner of Dorchester and The Esplanade and the YMCA on Charlotte Street (1940).

A  
95**Legend**

Bethel Presbyterian Church (9 Brookland Street, Sydney)

0 5 10 20 30  
Meters



## Information to Support a Municipal Registration Request

B

3. Does the building exhibit any unusual or unique architectural features? If yes, describe these features: The large white columns on the front are unusual for the area. The large rosette window, located above the columns and below the steeple, allows late afternoon sun to illuminate the Sanctuary. The south (street) side and north (lawn) side of the Sanctuary each boast two floor to ceiling stained glass windows. The scenes depicted (attached) are Christ as "The Good Shepherd" (stained glass 1), "...Stand at the Door and Knock" (Stained Glass 2), "...Preach the Gospel" (Stained Glass 3) and "Christ Healing the Sick" (Stained Glass 4).
4. Does the architecture have a distinct design unique to the local area? If yes, describe: Yes. Built in the "Neo-Classical Style", it is very unique to the City of Sydney. Also, the Church Steeple, housing the bell, serves as a landmark for most that enter Sydney via George St. Original to the building, the steeples' height still eclipses most local buildings, which allows the sound of the bell on Sundays to still be heard throughout the city.

### Construction Information

1. Type of Construction (For example, wood frame, mortar, brick, etc.)  
Structural Steel Roof Trusses and Columns. Foundational Steel and Iron. Originally clad in wooden siding that remains today under the aluminum.  
(All steel was forged at the Sydney Foundry & Machine Works, per Sydney Record attached)
2. Does the building exhibit any interesting construction techniques or particular building technologies (i.e. wooden pegs, mortise and tenon, etc.)?  
Steel Roof Trusses and Columns were unique at the time and were seen as a more fire-retardant solution than traditional wood framing. Unfortunately, some previous churches burned, and this decision may have been made in reaction to those tragedies.
3. Present Building Condition
  - Poor
  - Fair
  - Good
  - Excellent

### Alteration Information

1. Has the exterior of the building been structurally altered from its original appearance? If yes, when? Blue aluminum siding was added to the wooden clapboard exterior pre-1970. The original clapboard remains under the siding.

### Contextual Information

1. Does the building serve as a visual landmark? Why?  
Yes. Due to its height, the Church steeple can be spotted from almost anywhere downtown.
2. How do nearby buildings compare with the subject property?  
Mostly updated residential 2-3 storey homes surround on 3 sides.  
North of Bethel is the start of commercial downtown.

**Photographs**

If possible, please include photographs of all sides of the building and any unusual architectural features. If you have access to any historical photos of the property, please include in your submission. These photos will be retained by the Committee for future reference.

Please feel free to provide any additional information that you feel could support your request to have this property registered as a Municipal Heritage Property.

2

Opening and Dedication of  
New Presbyterian Church at the  
corner of George and Brooklands Street,  
Sydney, Nova Scotia. November 21  
1926.

### Historical Sketch

1. Why church was built.
2. Those who built it.
3. Short summary of the congregational activities from the disruption of the former Presbyterian congregation to date.

There was manifested in Canada within the last twenty years, through a group of people in the Presbyterian Church in Canada, the idea that denominationalism in religion is wrong, that resulting from it were monetary loss, duplication of effort, loss of efficiency and the delaying of that day when Righteousness and Peace will kiss each other.

To right this condition or situation, the remedy proposed by this group was, that the people of the denominations concerned consent to enter into one organization. Recognizing at the first that the people was the church, votes were taken to determine the question. The results of the votes in the Presbyterian Church made it clear that a majority of that church's membership did not approve of the idea of this group, or the remedy suggested. Wisdom at this juncture would have counseled delay.

The next step was to project the concept or idea, in the Presbyterian Church that the

# Sydney Presbyterians Enter New Church Home

## Battleship Linoleum

The heavy cork floor covering—known as Battleship Linoleum.

The covering for the floors of this new church was supplied by

## Crowell's Limited

Wholesale Agents Dominion Oilcloth and Linoleum Co., Ltd.

## BAUER & CO.

SANITARY PLUMBERS AND HEATING ENGINEERS

A fair sample of the work we instal is to be seen in the new Presbyterian Church.

### THIS HEATING SYSTEM

is a Durham Low Pressure Steam Automatic Mechanical Return with Gurney Boilers and Radiators.

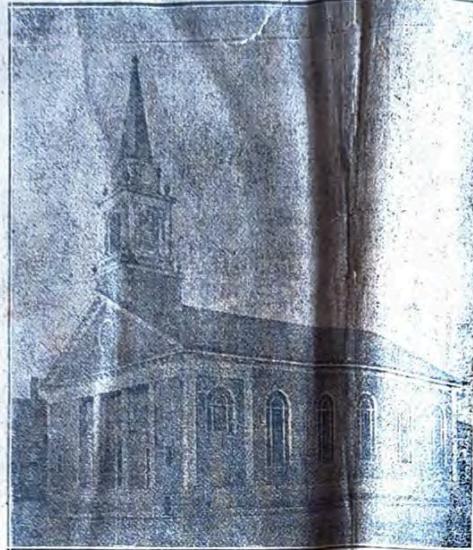
The Plumbing Work is done with Cast Iron Enamelled Fixtures throughout.

### WE GUARANTEE SATISFACTION.

Estimates Quoted On Any Job.

We Have The Insurance On This New Church Building. We shall be pleased to insure you also for fire, automobile, plate glass, life, sickness, and accident, or any other form of insurance. See us first.

## MACS LIMITED



## Handsome Edifice in Old Colonial Style Awaits Dedication on Sunday

The new Presbyterian church, which is to be dedicated on the coming Sunday, is a substantially built edifice designed by W. F. Sparling & Company, of Toronto, in the Old Colonial style, and will cost, apart from pews and furniture, in the vicinity of \$60,000.

The structure is 61 feet over all on George Street, and runs back 120 feet on Brookland Street. Entrance from George Street is by three main doors of massive design, opening upon a spacious vestibule.

The other side entrance is by a single door, which opens into a porch. Two large doors open to the main auditorium, which is 20 feet long by 40 feet wide.

On the Brookland street side toward the rear, there is an entrance from a small hall, from which opens on the parson's study.

On the opposite side is the choir room.

The choir recess is 28 feet long by 24 feet deep, and is at present arranged to seat 36 singers.

The pews that are American quartered oak. The church has received many gifts from friends within and without the congregation and will open its services furnished practically complete.

Beautiful design.

What strikes even the casual observer is the simplicity of the design of this church—an impression much deepened by the quiet dignity of the interior. The painting of the interior is柔 and delicate.

Chappells Limited had the main contract for the work and have done their work well.

Other firms which with Chappells, have added a church building to the list, of which the congregation may be proud, are Bauer & Co., plumbers and boilermakers; H. M. Israel, plastering; O'Callaghan & MacKenzie, painting and decorative.

## General Contracting

is a department of our business that has the same careful management as our general supply business.

See us for prices on Cement, Lime, Plaster, Crock Pipe, Flue Lining, lumber of any and all kinds, Cabinet Work, Sash, Doors.

Our prices are always right, our stocks are well assorted and we give full value.

Our work speaks for itself.

## Chappells Limited

Engineers, Contractors, Lumber Merchants and Manufacturers.

(Continued on Page Nine)

## Wm. F. Sparling Company ARCHITECTS

Specializing in Public Buildings

Also Assists in Arranging Financing.

—Address—  
METROPOLITAN BUILDING,  
TORONTO.

## Painting and Decorating

The painting and decorating on the new Presbyterian Church at the corner of George and Brookland Streets was done by Sydney's leading house painters and interior decorators.

## O'Callaghan & MacKenzie

The interior woodwork, which is of quartered oak, finished in a mat finish to match the imported furniture in the building, the plastered walls and ceilings being done in a handsome shade of buff and white and reflects great credit on this firm's ability as painters and decorators.

## All Structural Steel Roof

### Trusses, Columns, Foundations

### Steel and Iron Work

in the construction of this

Church were fabricated and

supplied by

## The Sydney Foundry & Machine Works Ltd.

## Electrical Work and Fixtures

in the New Presbyterian Church installed by

## MacKay Electric Co.

Established in Sydney 1902.

Estimates on wiring work furnished.

Electrical Supplies, Lamps, etc., always in stock.

Telephone 366. 219 Charlotte St.

## The Interior Plastering

of the new Presbyterian Church at the corner of George and Brookland Streets is an outstanding example of the class of workmanship done by our skilled staff.

Our 26 years of experience in Sydney has taught us that quality stone comes and that permanent work is produced only by utilization of the best materials and high class labor.

The Plaster Finish on the new church is from the Gypsum Products and speaks for itself.

WE GLADLY FURNISH quotations on any job.

JOHNSON receives our prompt and careful attention.

## H. M. ISRAEL

MAISON CONTRACTOR.

Office and Warehouse, 125 Brookland St. P. O. Box 581. Telephone 265-W.

The Wilton Rugs for the pastor's study.

Desks, chairs and wardrobe for study.

Wilton Rugs for pulpit and platform.

Rubber Hair treads and brass stair plates for steps.

For the new

Presbyterian Church

were supplied by

WRIGHT'S, Limited.

## The New Presbyterian Church

All Sheet and Ornamental Copper Work including Finial and Weather Vane manufactured and installed by

## SHAW & MASON LTD.

SYDNEY, N. S.

Founders, Roofers and Sheet Metal Workers.

# Dedication Services

## Presbyterian Congregation

### Sydney, N. S.

November 21, 1926



Minister:

REV. W. MACCULLOCH THOMSON, M. A., B. D.

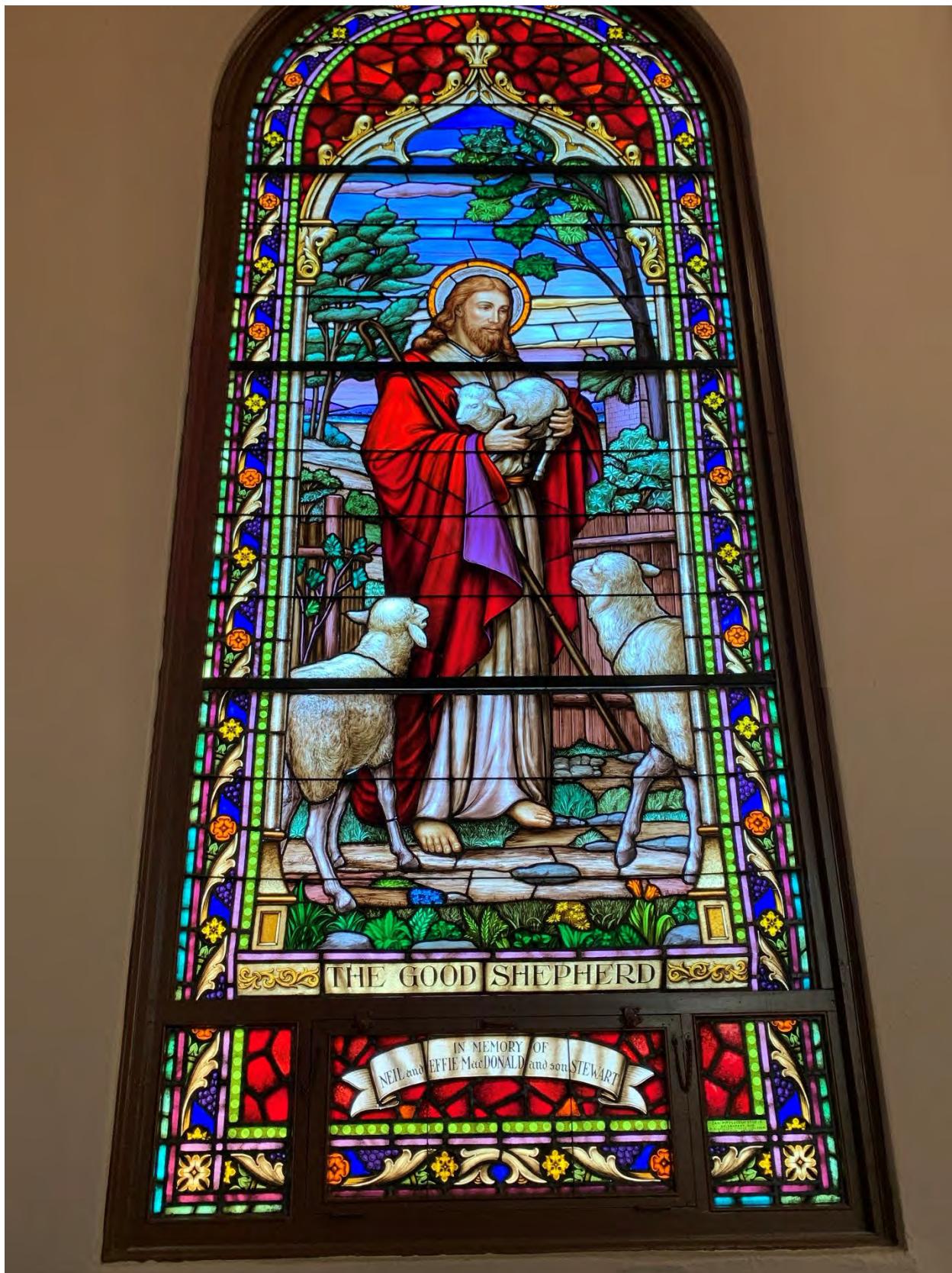
Moderator of Synod of the Maritime Provinces

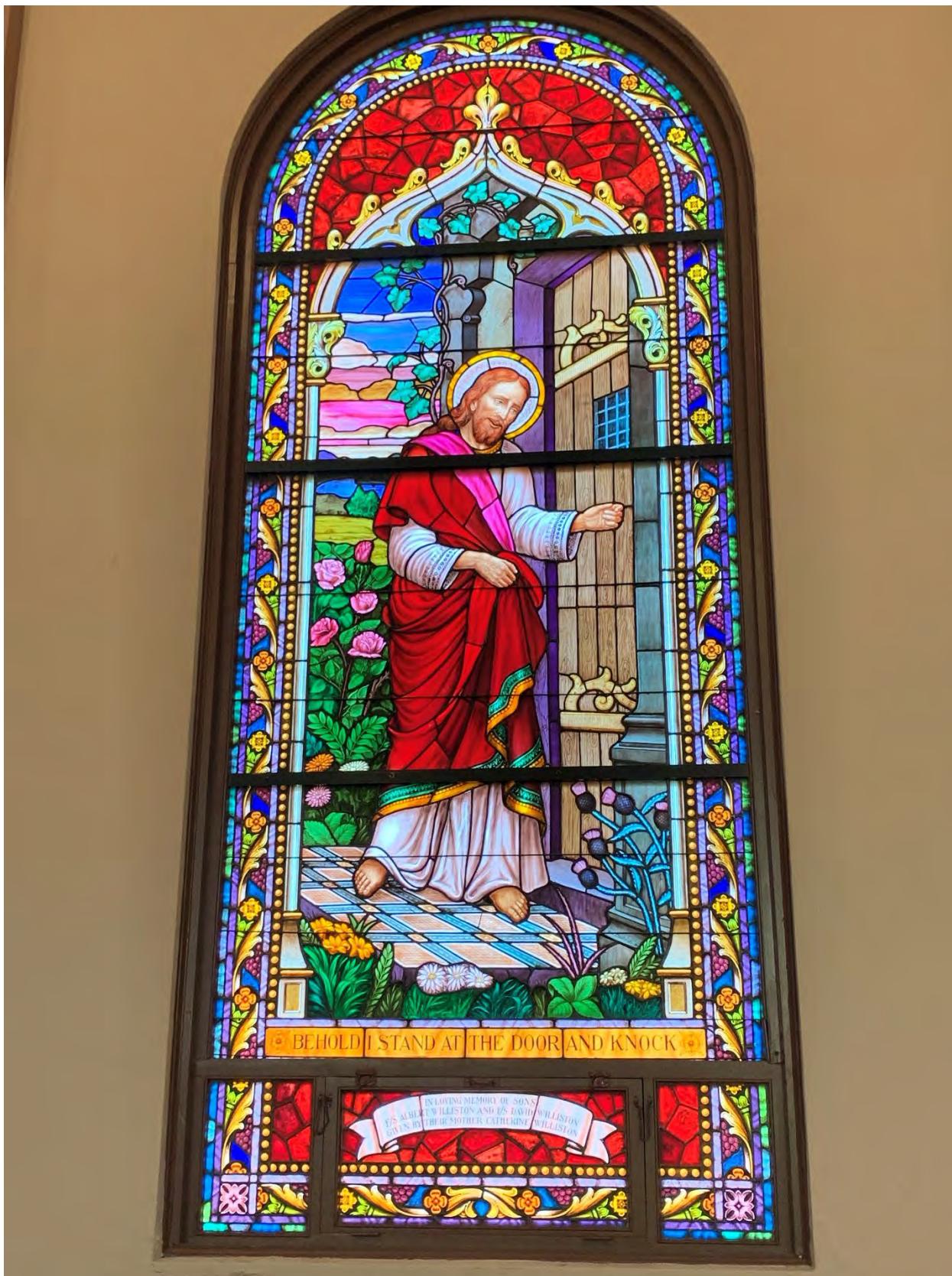
Clerk of Session:

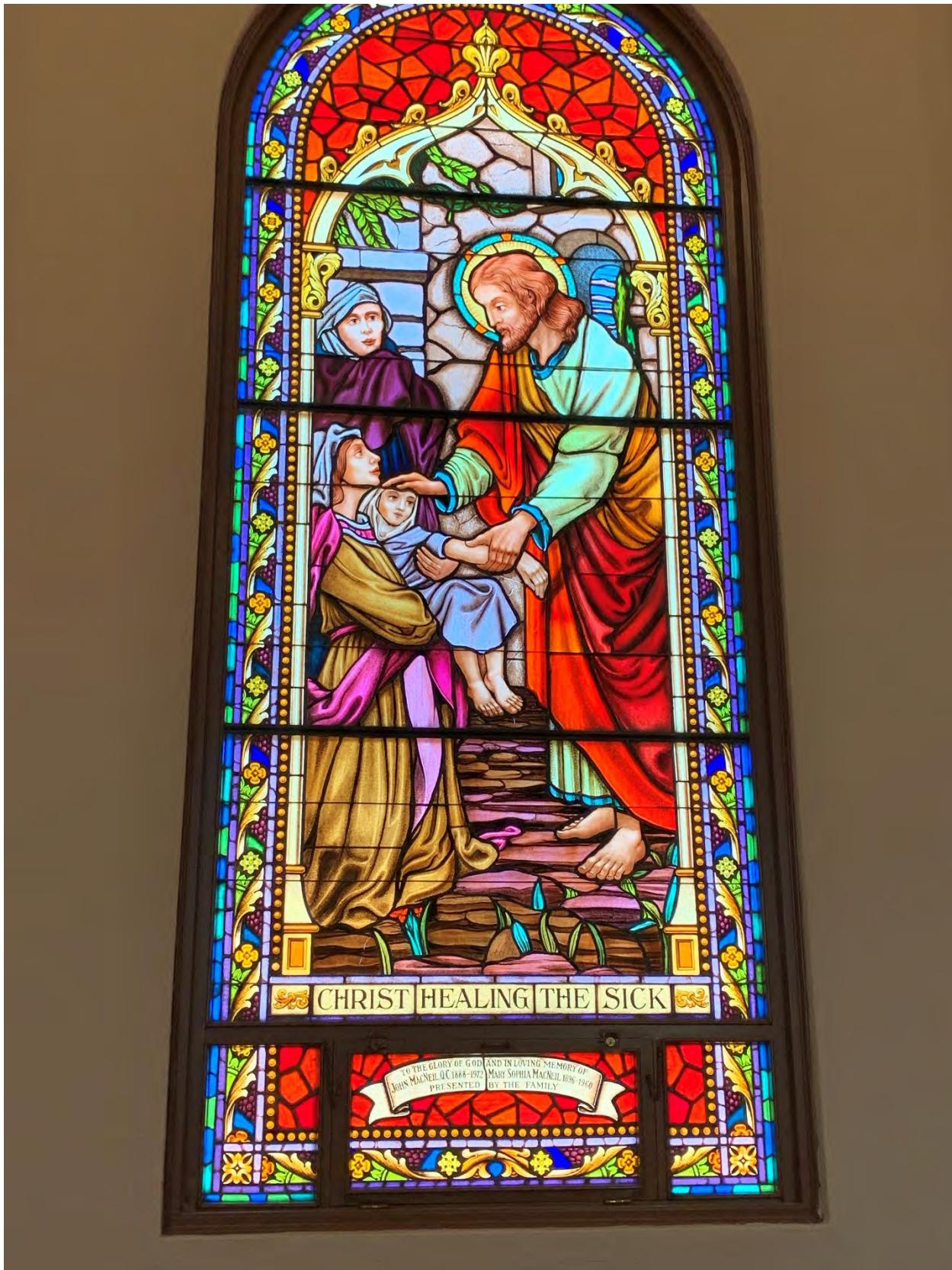
MR. RONALD McVICAR, LL.B.

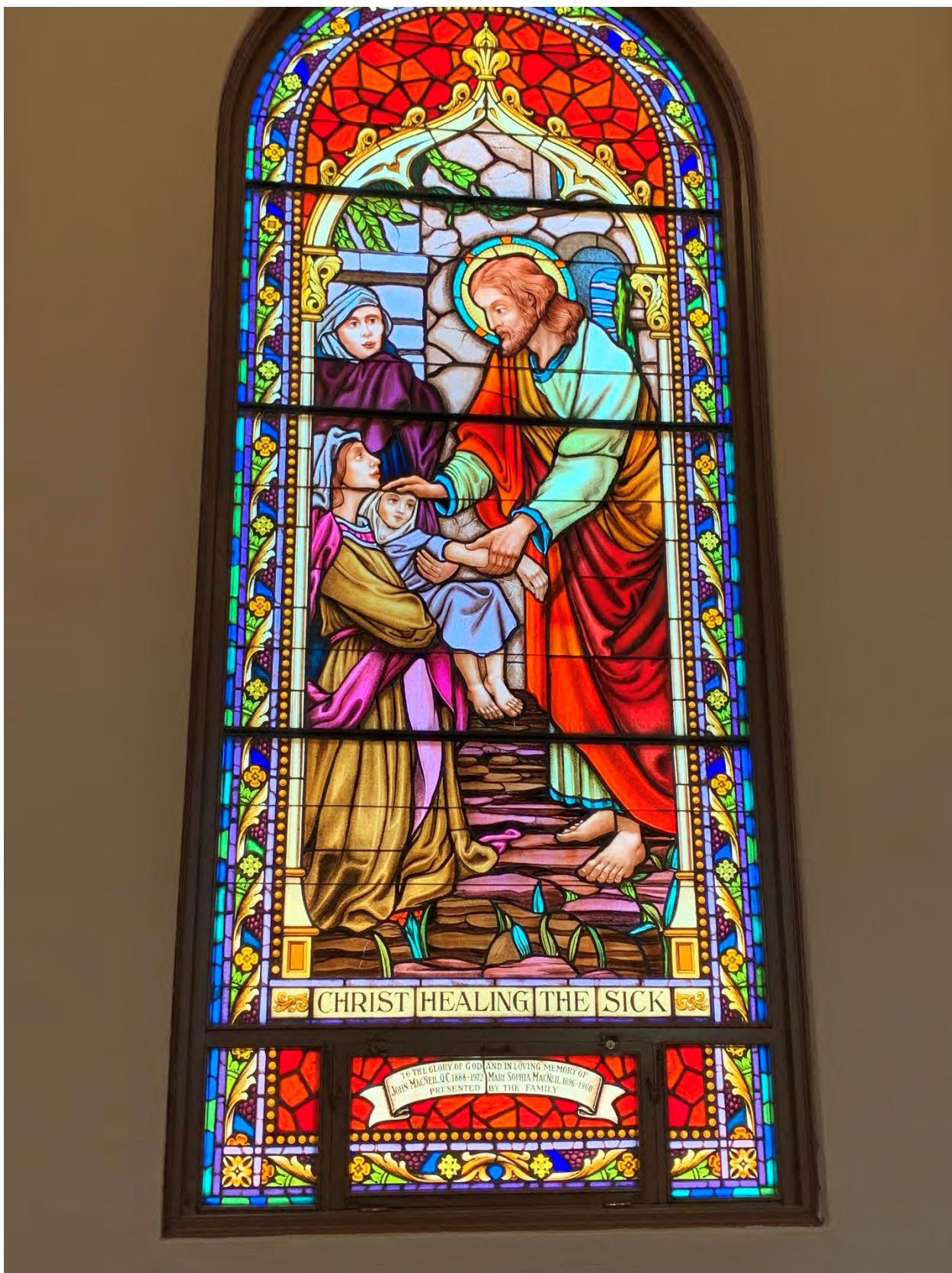
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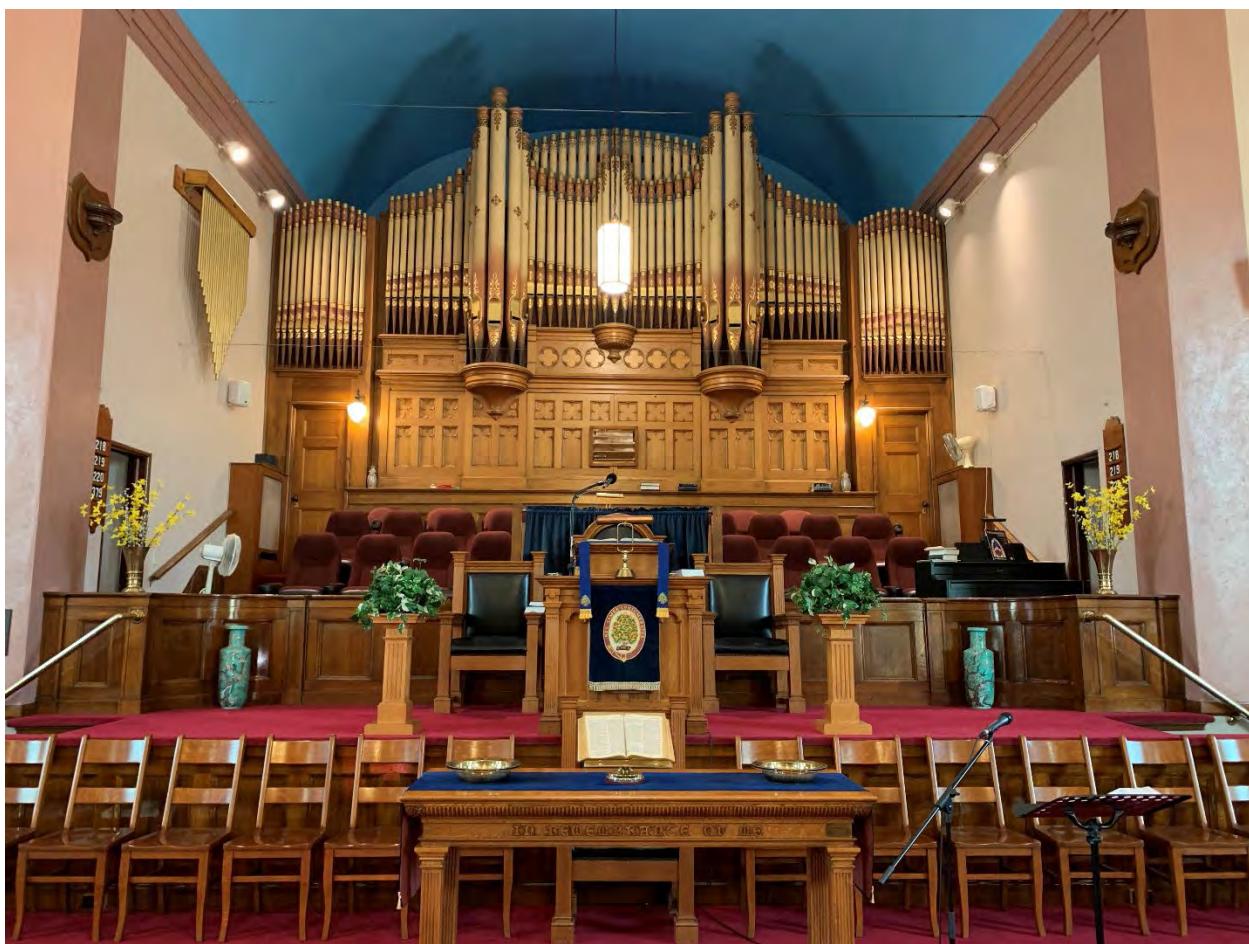








K





**Property Requesting Registration: Bethel Presbyterian Church located at 9 Brookland Street, Sydney  
(PID 15066780)**

<b>Historic Significance</b>		
Age of Property 1926	30 points	25 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	10 points
Association of the property with a well-known person locally, provincially or nationally	10 points	5 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	0 points
<b>Architectural Significance</b>		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	10 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed [(a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house))]	50 points	25 points
Exterior is wood, clay brick or natural stone	10 points	0 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	0 points
Property is in a deteriorated state, requiring major repairs	-15 point	0 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	5 points
<b>Cultural Significance</b>		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	20 points
Association of the property with social or sports events within a community over a long period of time	25 points	0 points
<b>*Total</b>	<b>165 points</b>	<b>100 points</b>

\* It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.



**TO:** Heritage Advisory Committee

**DATE:** May 21, 2025

**FROM:** Karen Neville

**RE:** Addition of QR Codes to Heritage Plaques

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### **Background**

At the May 16, 2024 Heritage Advisory Committee (HAC) meeting, a motion was passed directing staff to explore the option of having QR (Quick Response) codes included on CBRM Municipality Heritage Registration Plaques. Please consider this report to be staff's response to this motion.

### **Discussion**

The inclusion of QR codes on Municipal Heritage Plaques has the potential to enhance public awareness of heritage in the CBRM. The CBRM recognizes the need to improve how we communicate the historical and cultural significance of registered Municipal Heritage Properties. As overall effort to improve municipal communication, CBRM is currently developing a new website. The new website could offer an improved method of communication related to heritage properties, including a mapping option. The integration of QR codes into heritage plaques could be considered as a means of directing the public to this new digital content. However, there are important factors that should be considered by the Heritage Advisory Committee before making a decision on this motion.

### **Privacy and Accessibility**

One key issue is that many Municipal Heritage Plaques are located on private property. While they may be visible from public streets or sidewalks, accessing them close enough to scan a QR code may require individuals to enter private land. This raises potential privacy concerns and may discourage public interaction with the digital content. The Heritage Advisory Committee must carefully consider whether QR codes on such plaques would be practical.

### **Plaque Display Requirements**

Although the CBRM currently provides plaques for registered Municipal Heritage Properties, the Heritage Property By-law and Heritage Property Policy do not require property owners to display the plaque. This could limit the effectiveness of a QR code initiative, as not all properties may have a visible or accessible plaque.

### **Financial**

It is important to note there is a limited budget associated with heritage, with most of the funding being directed to CBRM Heritage Incentive Program. If the proposal to add QR codes is endorsed by the Heritage Advisory Committee, it would only apply to new plaques installed in the future. The municipality does not currently have a budget to retrofit or replace existing plaques with QR code enhancements. Should the

Heritage Advisory Committee see value in pursuing upgrades to existing plaques, it could consider making a formal request to Council for funding to support such work.

### **Design Considerations**

While QR codes present clear benefits, the Heritage Advisory Committee need to consider how they could impact on the aesthetic and commemorative qualities of Municipal Heritage Plaques. Careful attention must be paid to the design and placement of QR codes. A sample of the CBRM's Heritage Plaques can be found in Attachment A.

### **Conclusion**

The use of QR codes on Municipal Heritage Plaques has the potential to enhance public access to heritage information and could support CBRM's commitment to improving communication about its heritage properties. That being said, staff would require additional direction from the Heritage Advisory Committee before moving forward.

1. Does the Heritage Advisory Committee support the addition of QR codes to Municipal Heritage Plaques?
  - a. If yes,
    - Does the Heritage Advisory Committee have suggestions on how the existing design could be adapted to include the QR code?
    - Should the new design only apply to future plaques or does the Heritage Advisory Committee wish to request additional funding from Council to replace existing plaques?
  - b. If no, the Municipal Heritage Plaques could remain the same and an interactive map depicting Municipal Heritage Properties could be developed and incorporation into CBRM's new website

### **Recommendation**

Given the limited budget and potential privacy implications, it is recommended that the Heritage Advisory Committee direct staff to develop an interactive map depicting Municipal Heritage Properties for incorporation into CBRM's new website.

Submitted by:

Originally Signed by

Karen Neville  
Planning and Development Department

A





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TO: CBRM Heritage Advisory Committee

FROM: Peter Vandermeulen

SUBJECT: Multi-Tiered Plaque System

DATE: June 2<sup>nd</sup>, 2025

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**Introduction**

During the last meeting of the Heritage Committee, a motion was passed to request staff to explore the opportunity to create a two-tiered Municipal Heritage Plaque System. This request stems from the intent to provide recognition to heritage sites that may not meet or fall outside the current criteria for Municipal heritage registration, citing examples such as the English Heritage Blue Plaque System.

**What does the Nova Scotia Heritage Property Act say?**

The Provincial *Heritage Property Act* provides and Municipalities the ability to prescribe by-law and create committees for the management protection of properties with heritage significance. The Act outlines the operation of Municipal Heritage Committee across the Province and the registration and deregistration of heritage properties.

A key component of the Act is the protection of Provincially and Municipally registered heritage properties. Critical to this is management of alterations of the registered structures. Any Municipally registered heritage properties will be subject to the requirements of the Act, including Section 17, which requires the consideration of the Municipality before any alterations to the property could occur.

**The CBRM Context**

The CBRM Heritage Advisory Committee and Heritage Property By-law and Policies are the current documents in place which provide CBRM's role in managing Heritage Properties. This includes the By-law C3 - Heritage Property By-law, the Heritage Property Policy, and the Heritage Incentive Program Policy.

Municipally registered heritage properties are currently eligible to apply to the CBRM Heritage Incentive Program annually for funding. The intent of this program is to encourage owners of registered Municipal Heritage Properties to upgrade their properties in a manner that is consistent with the heritage value of the property.

**Examples of Recognition Systems**

Looking to other jurisdictions where plaques are presented for heritage significance, rather than for registration, most often is conducted by a third-party origination.

The English Heritage Blue Plaque System is a key example of this. Often referred to as the “London Blue Plaque System”, this is a national scale charity and for-profit organization that works independently with property owners and local people who want to recognize heritage sites across the United Kingdom. It is critical to understand that this is a non-government organization presenting plaques based on their own criteria and is not tied to and bound by legislation.

Similarly in the Maritime context, Fredericton Heritage Trust is a volunteer non-profit, charitable organization dedicated to promoting the preservation of the natural, historical, and architectural heritage of the capital region of New Brunswick. Fredericton Heritage Trust recognizes individual heritage buildings or sites in two ways. Neither means of recognition results in restrictions in the future use or modification of the property, and do not directly impact on federal, provincial or municipal heritage designation. Buildings or sites considered to be of significance may be affixed with a bronze plaque with appropriate descriptive text.

More locally, Royal Nova Scotia Historical Society has commenced a plaque series to memorialize information about crucial people, places, and events in this province’s remarkable past. This includes a plaque presented within our community to commemorate the Second and Final Fall of the Fortress of Louisbourg in 1758.

### **Discussion**

The CBRM Heritage Advisory Committee derives its authority from subsequent Municipal By-law and Policy derived from the Nova Scotia *Heritage Property Act*. The *Heritage Property Act* does not provide legislation supportive of a lesser tier of registration, any Municipally registered property must adhere to the same requirements, including review requirements for alterations or demolition. As this committee is created on the legislative authority of this Act, this Committee is only able to act upon its directive prescribed by the Act.

The nature of this request from the Heritage Advisory Committee was to be able to provide a less stringent level of registration to promote the recognition of heritage sites within the Municipality. This is more akin to the examples provided above in which third party organizations can provide recognition to site without bounds of legislation and continual authority over such sites.

### **Conclusion**

Given the constraints the Nova Scotia *Heritage Property Act*, this committee is unable to provide a second tier of recognition, however, if the Heritage Committee believes that current criteria for Municipal Registration (Attachment A) are overly prohibitive that could be further explored by staff. By reviewing the criteria for Heritage Property Registration could provide more flexibility for additional properties to be registered.

There may be other opportunities to provide recognition to current registry program through CBRM’s webpage and social media platforms.

### **Recommendation**

Given the limited scope of the legislative authority, the adoption of a two-tiered system is limited. Therefore, it is recommended that the Heritage Advisory Committee direct staff to explore the following opportunities:

- a. Conduct a review of the criteria for Heritage Property Registration.
- b. Increase promotion CBRM's Heritage Property Registration through CBRM's new website and social media platforms.

**Submitted by:**

**Peter Vandermeulen**  
**Planning and Development Department**

## Attachment A

### Criteria for Heritage Property Registration

<b>Historic Significance</b>			
Age of Property		30 points	points
Association of the property with the community's economic, social, political, athletic or cultural history		20 points	points
Association of the property with a well-known person locally, provincially or nationally		10 points	points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)		10 points	points
<b>Architectural Significance</b>			
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)		20 points	points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed (a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house))		50 points	points
Exterior is wood, clay brick or natural stone		10 points	points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed		-25 points	points
Property is in a deteriorated state, requiring major repairs		-15 point	points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>		5 points	points
<b>Cultural Significance</b>			
Association of the property with the history of a particular religious or ethnic group in the CBRM		25 points	points
Association of the property with social or sports events within a community over a long period of time		25 points	points
<b>*Total</b>		165 points	points

\* It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.

