



STATEMENT to the Halifax Heritage Advisory Committee

**Case H00462
26 September, 2018**

Founded in 2014, the Maritime Institute for Civil Society is a provincial organization devoted to research, education, and the development of social infrastructure for the renewal of civil society. Our work is currently organized around various projects in public history, rural sustainability, and adult education.

Given the overwhelming historical importance of the Kenny/Dennis building, reflected now in the able report of City staff, there is nothing of substance we need to add to the evidence about the historical significance of the property that is not already in front of the Committee.

Rather, I would like to make a few comments about the Province's opposition as owner of the property. We are, naturally, gratified by the concern that the Province has shown for heritage protection of the property in its request for proposals and its recently announced intention to retain ownership. We further recognize that the protections of a municipal heritage registration concern only the external integrity of the structure and do not go beyond the protection framework advanced by the Province. Moreover, we are cognizant that the Province has the legal right to proceed without constraint by municipal regulation.

Ms. Delbridge, writing for the Province, however, has used the Province's intention for heritage protection to argue that heritage registration is not needed and that, should it be implemented, it would be an impediment to development. The premise of Ms. Delbridge's argument is that the terms of their request for proposals adequately represent the public interest and that the government administrators who are involved can satisfactorily adjudicate any remaining questions. However, the government – even the provincial government – is subject to the rule of law, just like everybody else.

The increasing demand for input into public decision-making in recent decades is not essentially about the merits of one means-to-an-end versus another, about one design detail versus another, but about the ends themselves. Questions of scale, mass, and resonance concerning the Kenny/Dennis property,

Maritime Institute for Civil Society

P.O. Box 8041, Halifax, N.S. B3K 5L8

www.mircs.ca

for instance, are central to any development which occurs and it is the case that restrictions in those areas will decrease the capital value of the property and the receipts which the government can expect. This is completely understood and a perfectly acceptable policy position. We all accept that the Citadel has already achieved its highest and best use despite a higher alternative value for condominiums. The valuation of the Kenny/Dennis building is analogous. There are forms of development, such as the “facadism” of the Armour Group, which would not be an acceptable development of the property, despite the heightened revenues which would accrue to the government coffers.

But it is not a matter of being anti-development at all. The history of the building, connected as it is directly to the Edward Kenny and the William Dennis families, is the symbolic site of perhaps the greatest example of business acumen and economic development that we have produced in the province. That is something to be celebrated and honoured, not opposed.

The Kenny/Dennis building, together with the other remaining heritage buildings surrounding Province House, constitute, in our view, the most important heritage structures in Nova Scotia and require the attention, input, and deliberation of the entire provincial community. It is not a private matter for Ms. Delbridge and her administrative team to adjudicate. It is not just that the significance of the property goes beyond the purview of a single unit of government, but that the public interest in this matter goes well beyond even the citizenry of Halifax. The building is the common heritage of all Nova Scotians.

It is a welcome fact that the property is already in the public domain. The building was first constructed in response to that great intellectual and economic awakening in the first half of the nineteenth century which led to responsible government and a much deeper prosperity and was carried forward into the twentieth with the establishment of a great newspaper holding the feet of that responsible government to the fire. We suggest that the naked facts about the historical status of this property are such that they provide the necessary legitimacy for consideration of the highest and best use of the property by all the people of Nova Scotia.

We ask you to reject the Province’s request and its narrow understanding of the public interest, and instead recommend a full program of consultation and public input to Regional Council.

Paul Armstrong
President
Maritime Institute for Civil Society