

**THE CITY OF EDMONTON**  
**BYLAW 17417**  
**BYLAW TO DESIGNATE THE YORATH HOUSE AS A**  
**MUNICIPAL HISTORIC RESOURCE**

WHEREAS the *Historical Resources Act*, R.S.A. 2000, c. H-9, as amended, permits the municipal council of a municipality to designate any Historic Resource within the municipality whose preservation it considers to be in the public interest together with any specified land in or on which it is located, as a Municipal Historic Resource; and

WHEREAS it is deemed in the public interest to designate the building located at 13110, Buena Vista Road NW, known as the Yorath House and the land on which the building is located as a Municipal Historic Resource; and

NOW THEREFORE the Municipal Council of the City of Edmonton, having complied with the *Historical Resources Act*, and duly assembled, hereby enacts as follows:

1. BUILDING AND LANDS DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

The building known as the Yorath House (specifically described in Schedule “A”) (the “Building”) and the land on which the building is located being legally described as:

Legal Subdivision One (1) of Section Twenty Five (25)

Township Fifty Two (52)

Range Twenty Five (25)

West of the Fourth Meridian

Excepting Thereout :

A) Part, as shown on Subdivision Plan 8922228

B) Plan 9020238 – road right of way – 0.271 hectares (0.67 acres) more or less the land hereby described containing 4.589 hectares (11.34 acres) more or less excepting thereout all mines and minerals

(the “Land”) are hereby designated as a Municipal Historic Resource.

2. PERMITTED REPAIRS AND REHABILITATION

Subject to Section 3 hereof, the Building and Land shall not be removed, destroyed, disturbed, altered, rehabilitated, repaired or otherwise permanently affected, other than in accordance with the terms of Schedule "A" attached, and the General Guidelines for Rehabilitation and Guidelines for Development on the Regulated Land attached as Schedule "B", to this Bylaw.

3. ADMINISTRATOR

The City Manager is hereby appointed to administer the implementation of any matters arising from the matters set out in this Bylaw, and the Schedules attached hereto which form part of this Bylaw, including, without limitation, the execution of a Rehabilitation Incentive and Maintenance Agreement as set out in Schedule "C".

4. EFFECTIVE DATE

This Bylaw shall come into effect on the date on which this Bylaw is passed by Council.

READ a first time this	15 <sup>th</sup>	day of	December	, A.D. 2015;
READ a second time this	15 <sup>th</sup>	day of	December	, A.D. 2015;
READ a third time this	15 <sup>th</sup>	day of	December	, A.D. 2015;
SIGNED and PASSED THIS	15 <sup>th</sup>	day of	December	, A.D. 2015.

THE CITY OF EDMONTON

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY CLERK

**SCHEDULE "A"**

## **THE IDENTIFICATION OF REGULATED PORTIONS OF THE YORATH HOUSE**

The purpose of this Schedule is to identify by written description and photographs, those portions of the Building known as the Yorath House, which shall be regulated by the "General Guidelines for Rehabilitation" (Schedule "B") and must be preserved ("the Regulated Portion").

The Regulated Portion of the Building includes all the historic exterior façades. This includes the Early Modern style, form, scale and mass of the Yorath House as described below. These features of the Building shall be rehabilitated in accordance with the "Rehabilitation Work" which is part of Schedule "C".

Non-regulated portions of the Building, being all other portions of the Building not specifically identified as a Regulated Portion, may be rehabilitated, altered, repaired or otherwise permanently affected in any manner provided that such rehabilitation, alteration or repair does not impact on the regulated historic features of the Building. Any development or alterations considered to be non-regulated portions of the Municipal Resource, however, must meet the General Guidelines for Rehabilitation of Designated Historic Resources as identified in the *"Standards and Guidelines for the Conservation of Historic Places in Canada."* Any development of any portion of the Land shall be undertaken in a manner that is sympathetic to the historic façades of the Yorath House. New development should also make reference to this resource's Statement of Significance as identified on the Alberta Register.

The following character defining architectural elements as expressed in the form, massing and materials of the building must be retained:

- the two storey structure with one storey attached garage;
- low hipped roof with wide projecting eaves;
- wide horizontal cedar clapboard cladding;
- timber casement windows with narrow timber trim;

### **East Facade:**

- cut fieldstone exterior fireplace with chimney, which transitions to brick above the roofline ;
- roof feature over patio supported by tapered plank posts;
- form, scale and massing of the original 1949 house, with the exception of the addition to the kitchen on the lower level; and
- all entrance and window openings present on the 1949 east facade, with the exception of those to the kitchen on the lower level and the northernmost bank of windows on the second storey;

### **South Facade:**

- terrace spanning the length of the elevation at the second storey supported by tapered plank posts;
- horizontal timber railing;
- wide timber front door with sidelights; and
- All entrance and window openings present on the 1949 south facade;

**West Facade:**

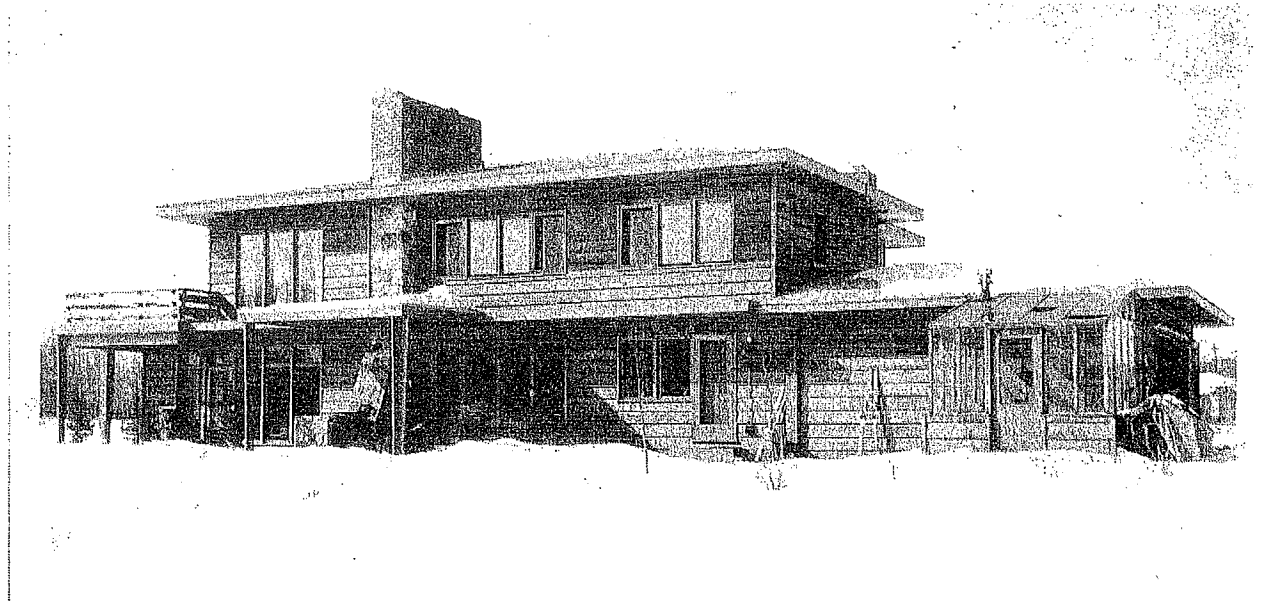
- cut fieldstone feature wall; and
- all entrance and window openings present on the 1949 west facade;

**Interior:**

- custom timber staircase with 'woven' wood baluster;
- cut fieldstone fireplace and feature wall on the ground floor;
- wood panelled wall finishes throughout the living room on the ground floor; and
- brick fireplace and feature wall on the second storey;

**PHOTOGRAPHIC DETAILS**

**East Facade (circa 1951) – Architectural Rendering**



**South Facade (circa 1951) – Historic Photograph**



**West Facade**



**Custom Timber Staircase with Woven Wood Baluster**





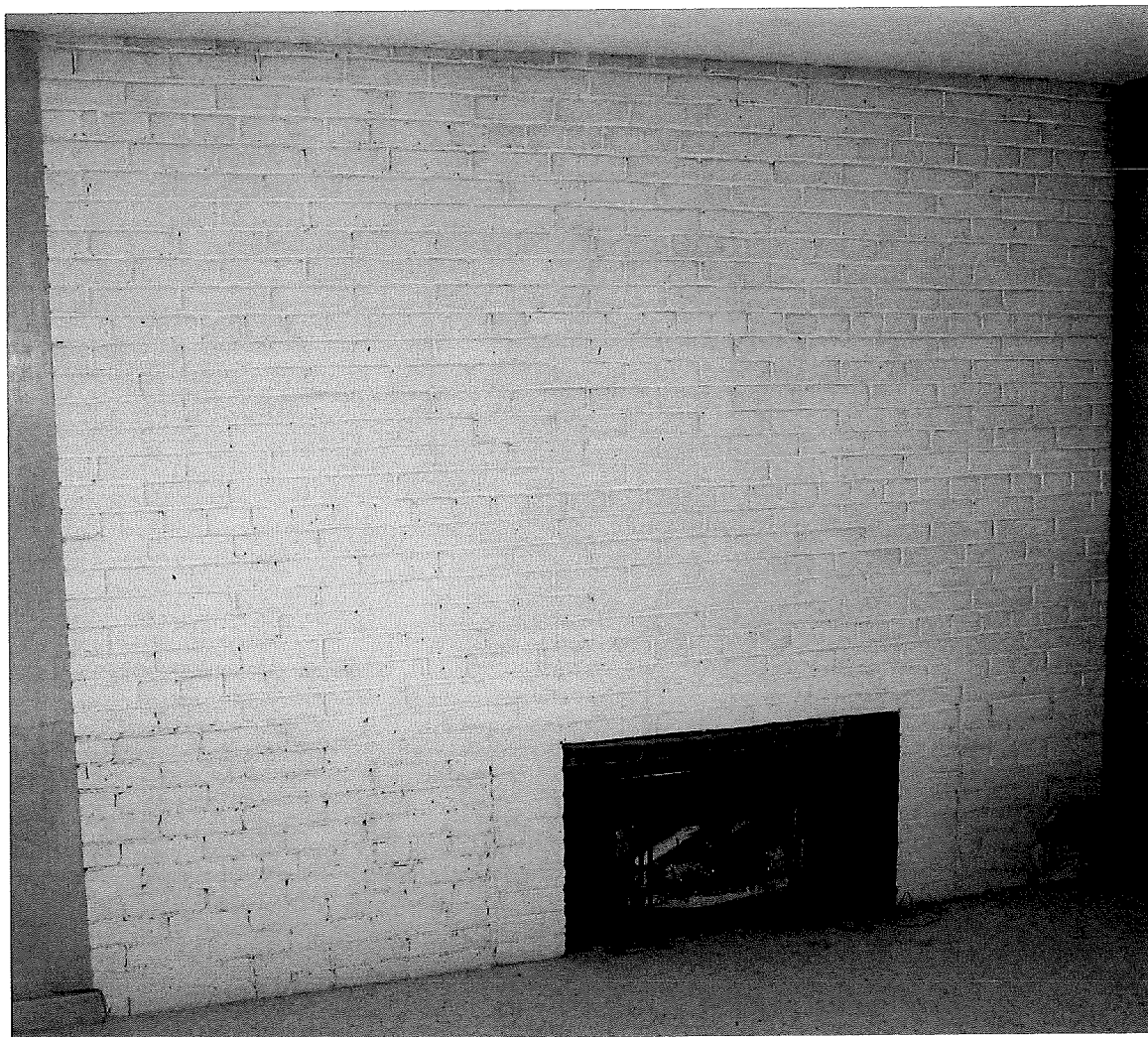
**Cut Fieldstone Fireplace (ground level)**



**Wood Panel Wall Finishes (living room, ground level)**



**Brick Fireplace (second storey)**



**LOCATION PLAN**



0 25 50 75  
metres

**13110 Buena Vista Road NW**

THE CITY OF  
**Edmonton**  
SUSTAINABLE DEVELOPMENT

**SCHEDULE "B"**

## GENERAL GUIDELINES FOR REHABILITATION

The General Guidelines for Rehabilitation are intended to assist in applying accepted principles and practices to the conservation of Historic Resources. The guidelines are set out in the *“Standards and Guidelines for the Conservation of Historic Places in Canada.”* In a manner consistent with accepted practice, City Heritage Policy C450B requires that the standards be used in conjunction with the guidelines to ensure that the basis for a clear and consistent interpretation of the guidelines is provided to assist owners of Historic Resources throughout any rehabilitation process. The following guidelines and the referenced standards shall apply to the Yorath House and the land on which the building is located (the “Municipal Historic Resource”) and any rehabilitation or maintenance work undertaken with respect to the Municipal Historic Resource at any time.

1. **Compatible Uses:**

Wherever possible, the uses proposed for a Municipal Historic Resource shall be compatible with the existing building such that only minimal changes are required to the building. The use of a Municipal Historic Resource for its original purpose is desirable.

2. **Original Character:**

The original distinctive qualities and character of the building as designated by the Municipal Historic Resource Bylaw should be preserved. The removal or alteration of any historical materials or features shall be avoided whenever possible.

3. **The Historic Period:**

The Municipal Historic Resource should be recognized as a product of its own time. Alterations which are not based on historical fact or which recreate an earlier or a later design idiom shall be discouraged.

4. **Witness to Change:**

Changes to the Municipal Historic Resource may have occurred over time. These alterations are evidence of the history and development of the building. Because this evolution may have acquired a significance in its own right, alterations to the original building should be recognized and respected where indicated.

5. **Style and Craftsmanship:**

Distinctive stylistic features and examples of skilled craftsmanship which have been designated by the Municipal Historic Resource Bylaw shall be preserved and treated sensitively.

**6. Repair and Replacement:**

Deteriorated architectural features shall be repaired rather than replaced whenever possible. Where replacement is necessary, the new material should match the original as to composition, color, texture, design, etc. The repair or replacement of architectural features shall be based on a sound knowledge of the original characteristics of the feature. Such knowledge shall be based on historical or pictorial evidence and not upon conjecture.

**7. Cleaning:**

In all cases, surface cleaning shall be undertaken with the gentlest means available. Sandblasting in particular, but also other cleaning methods, damage historic buildings and should not be undertaken without thorough testing prior to use on a building. Sandblasting is not recommended on brick, stone or wood. In all instances, it should be ascertained that a building exterior is really in need of cleaning prior to undertaking the work.

**8. Reversibility of Improvements:**

When the introduction of new elements or materials is necessary to stabilize or preserve a municipally designated historic resource, alteration shall be undertaken such that the new materials, should they fail, may be removed at a later date without damage to the original fabric of the Municipal Historic Resource. Where this is not possible (i.e. use of epoxy) only those methods and materials which have been thoroughly tested and found satisfactory in situ, shall be used.

**9. Recording:**

Prior to undertaking any alterations, particularly in cases where alterations may threaten the building fabric (underpinning, moving structures), the applicant shall compile a complete record of the architectural features of the Municipal Historic Resource. Measured drawings and photographs of details may prove invaluable if major features are damaged or lost during the subsequent repair work.

**10. Original Construction Details:**

In some historic structures, poor construction details or inappropriate materials resulted in rapid deterioration of certain building elements. In these instances, accurate reconstruction of the original detail will inevitably result in the failure of the element. Therefore, reconstruction should be undertaken in such a fashion as to duplicate the original appearance as closely as possible while using details based on sound construction practice.



**11. Codes:**

At no time should the life and safety of occupants of a Municipal Historic Resource be deemed of lesser importance than the preservation of the original fabric of the Municipal Historic Resource. The required life and safety standards are those required by the current Alberta Building Code. However, notwithstanding these Code requirements, where the essential character of the structure is threatened by changes for Code reasons, every effort shall be made to achieve an equivalent safety standard by alternate means so as to minimize the impact on the historic fabric.

**12. Improvements:**

Prior to undertaking any improvements, a schedule of alterations should be prepared. This schedule should include phasing of alterations where necessary due to program or budget restrictions. The type and timing of both short and long term maintenance work shall also be included.

**13. Signs:**

As a general rule signs should be limited to signs which were originally present on the building. In instances where new uses or interpretive functions dictate the use of additional signs, these new elements should be integrated into the general design of the project. The size, typeface, graphics, and materials should be chosen to suit the period of the Municipal Historic Resource wherever possible. Avoid installing new signs such that the repair, replacement or removal of the signs damages the original fabric of the structure.

**14. Enforcement:**

The owner and the City shall enter into an agreement to provide that the designated structure will be maintained in such a manner as to prevent any deterioration

**15. Alterations and Additions to Historic Resources:**

Contemporary design for alterations and additions to existing Historic Resources shall not be discouraged when such alterations and additions do not diminish the overall historic character of the resource and such design is compatible with the size, scale, colour, material and character of the resource, neighbourhood or environment.

## **GUIDELINES FOR DEVELOPMENT ON THE REGULATED LANDS**

### **1. General Purpose:**

To establish guidelines on future development on the lands on which the Yorath House is located to protect the heritage character of the Yorath House and the land on which the building is located (the “Municipal Historic Resource”).

### **2. Area of Application:**

The area of application is the portion of land located at 13110 Buena Vista Road NW and legally described as:

Legal Subdivision One (1) of Section Twenty Five (25)

Township Fifty Two (52)

Range Twenty Five (25)

West of the Fourth Meridian

Excepting Thereout :

A) Part, as shown on Subdivision Plan 8922228

B) Plan 9020238 – road right of way – 0.271 hectares (0.67 acres) more or less the land hereby described containing 4.589 hectares (11.34 acres) more or less excepting thereout all mines and minerals

as shown in Schedule “A” of this Bylaw (the “Land”).

### **3. Development Criteria:**

The Development Officer and the Heritage Planner shall have regard for the following guidelines when reviewing a development permit application for any additions or alterations to the Yorath House, or any other proposed development on the Land.

### **4. Historic Integrity:**

4.1. Any redevelopment of the Municipal Historic Resource must respect the historic character of the regulated portions of the Municipal Historic Resource. As well, any future development on the Land, including any ancillary structures, must conform to “General Guidelines for Rehabilitation” and the “*Standards and Guidelines for the Conservation of Historic Places in Canada.*”

4.2. Future additions to the Yorath House shall be located on the north elevation

**SCHEDULE "C"**

**THIS REHABILITATION INCENTIVE AND MAINTENANCE AGREEMENT**

made this      day of      , 2015.

BETWEEN:

**THE CITY OF EDMONTON**  
(the “City”)

OF THE FIRST PART,

-and-

**THE CITY OF EDMONTON**  
(collectively, the “Owner”)

OF THE SECOND PART,

WHEREAS:

1. The Owner is the registered owner of land municipally described as: 13110 Buena Vista Road NW, Edmonton, Alberta,

and legally described as:

Legal Subdivision One (1) of Section Twenty Five (25)  
Township Fifty Two (52)  
Range Twenty Five (25)  
West of the Fourth Meridian  
Excepting Thereout :

- A) Part, as shown on Subdivision Plan 8922228
- B) Plan 9020238 – road right of way – 0.271 hectares (0.67 acres) more or less the land hereby described containing 4.589 hectares (11.34 acres) more or less excepting thereout all mines and minerals

(“the Land”), and the building known as the Yorath House, located thereon (the “Building”).

2. On September 9, 2015, City Council authorized the service of a Notice of Intention to Designate the Land and Building as a Municipal Historic Resource in accordance with the *Historical Resources Act*, R.S.A. 2000, c. H-9.
3. A condition or covenant relating to the preservation or restoration of any land or building, entered into by the owner of the land and the council of a municipality, may be registered with the Registrar of Land Titles, and may be enforced whether the condition or covenant is positive or negative in nature notwithstanding that the grantee may not have an interest in any land that would be accommodated or benefited by the condition or covenant.

4. The Owner has agreed with the City to rehabilitate and maintain the Land and Building in accordance with the covenants and conditions in this Agreement.
5. In anticipation that the Municipal Council of the City shall designate the Land and Building as a Municipal Historic Resource, the City wishes to pay the Owner money in satisfaction of the Owner's or successors right to compensation under the Act, and the Owner agrees to accept such money in lieu of compensation under the Act.

THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Owner, the parties agree as follows:

**1. CONDITION PRECEDENT:**

- 1.1. This Agreement is conditional upon Council passing a Bylaw to designate the Land and the Building a Municipal Historic Resource by November 17, 2015 or such later date as the parties may agree to in writing. If the Designating Bylaw is not passed by November 17, 2015, and the parties have not agreed to extend the time for satisfaction of the condition precedent, this Agreement shall be of no force and effect.

**2. DEFINITIONS:**

In this Agreement:

- 2.1. "Act" means the *Historical Resources Act*, R.S.A. 2000, c. H-9.
- 2.2. "Certification" means the written confirmation provided by the Owner to the City in a form satisfactory to the City certifying that a Phase or Phases of the Rehabilitation Work has been completed, or a Deficiency List has been remedied, which shall include the following:
  - 2.2.1. Receipts for all materials, supplies, labour and services and any other relevant documentation or other documents satisfactory to the City;
  - 2.2.2. Receipts or other documents satisfactory to the City indicating that all suppliers and contractors involved in performing that Phase of the Rehabilitation Work or remedy of the Deficiency List have been paid in full for their goods or services; and
  - 2.2.3. Evidence that the Owner received competitive bids or estimates before engaging any contractor or supplier.
- 2.3. "Council" means the municipal council of the City of Edmonton.
- 2.4. "Deficiency List" means a description of the particulars given by the City to the Owner that specifies how the Rehabilitation Work or the Certification is inadequate or deficient.

