

We lost a legacy of fine  
stonecraft when the Crown  
Building (c.1907) was  
demolished last year.

## Time for a Change? The Alberta Historical Resources Act

by *Frits Pannekoek*

**The Alberta Historical Resources Act was a product of several well-attended hearings during 1970-71, chaired by Richard G. Forbis, a leading archaeologist and professor at the University of Calgary.**

Intended to preserve Alberta's heritage—particularly in the dynamic decade that saw oil, agricultural, urban, and pulp development—the Act symbolized the fact that Alberta was a modern state, with a responsibility for preserving its rich heritage. One suspects that it met no real opposition because many believed that Alberta had no heritage—in any case, not in the European or Eastern Canadian sense. If Albertans had any heritage, it was that of Alberta's Natives. Perhaps that is why archaeology became a primary focus of the Act in the years following its proclamation.

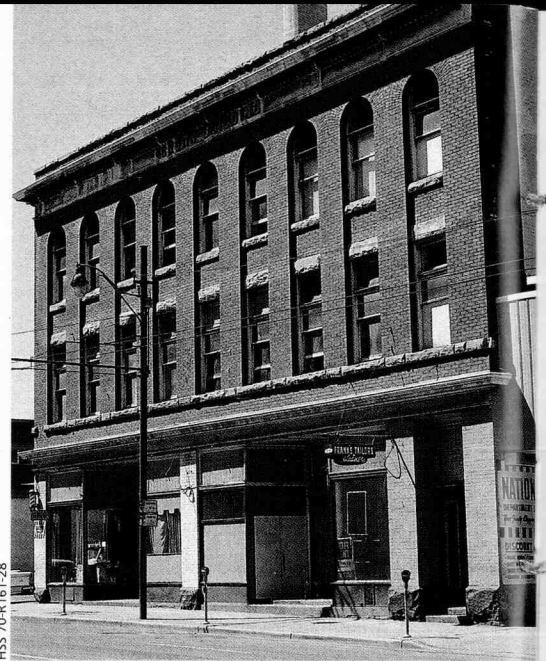
Much admired throughout Canada, the Act served as the model for other provinces. However, to many, the Act failed in its initial promise to preserve Alberta's historic buildings. There are several reasons: weak drafting, timidity in implementation, a focus on archaeology within the historic resource impact assessment process, and developer resistance.

This is not to suggest that the Act has not had an impact on the "built environment"—the professional term for historic buildings. It certainly has. It has resulted in a provincial inventory of over 50,000 buildings, in the designation of over 420 buildings, in the creation of a main street program in over a dozen Alberta towns, and in the investment of over

\$150 million in provincial heritage infrastructure. However, the Act failed to encourage the widespread preservation of the built environment. Neighbourhoods, major buildings, exciting urban architecture, rural landscapes have all been lost. Why?

The definition of heritage underlying the Act was shaped by existing practice and heritage stereotypes. At the time of its proclamation, the house museum and the historic village were common in North America. Nova Scotia's Louisbourg and Manitoba's Lower Fort Garry—re-created in a fit of national pride—were the epitome of Canadian heritage practice. At the same time, the federal government invested more modestly in the preservation of communities through Heritage Canada. But since real property was a provincial matter, Heritage Canada could never be more than an instrument of awareness.

The provinces were then left to tackle the most difficult issues of community-based preservation. In Alberta, designation as a Provincial Historic Resource (which restricts changes up to and including demolition to those permitted by the Minister of Community Development) was initially intended to be infrequent, requiring a Cabinet rather than Ministerial decision. Preservation advocates had little chance of success. Issues relating to the preservation of the built environment very quickly became politicized. Every significant building became a battleground—Edmonton's Court House and Calgary's Acadia Apartments, to name only two—were lost. There were successes—Whyte Avenue in Edmonton and Stephen Avenue Mall in Calgary—but most often, her-



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itage value loses out to aggressive commercialization. Real success was found in the smaller towns and in rural Alberta, with fewer development pressures and perhaps a stronger sense of history. Indeed, heritage was often the last defence against the psychological and economic bankruptcy of a community.

If preservation of the built environment became politicized, the preservation of archaeological and palaeontological resources became "bureaucratized." Section 33 of the Historical Resources Act allows the Minister (or designate) to demand an impact assessment of all proposed development. Even given the scale of archaeological impacts (literally thousands every year), mechanisms were developed that allowed for an impartial process based on professional review. After preliminary investigation, the Minister could and did order "salvage, preservative, or protective" measures to ensure that heritage resources were not lost.

Section 33 was not intended to be confined to subsurface resources; but in practice it became so, for several reasons. First, archaeological studies had to be done by licensed archaeologists, whereas historical building studies could be done by anyone. The complexities and number of archaeological resources and, even more importantly, the willingness of the oil and gas sector to comply with cultural legislation, ensured that the ministerial bureaucracy dealt with archaeological concerns. Generally, development proceeded after modest excavations and even more modest mitigation. In the 1980s, when major projects became subject to significant environmental and historic resource impact

assessments, the process was so established that opposition could be managed. And when, in 1987, all subsurface archaeological remains were declared the property of the Crown, process-driven archaeological mitigation was unshakeable.

Definitions under the Act also seem to favour archaeology. Section 1(e) of the Act defines an historic resource as "any work of nature or of man that is primarily of value for its heritage attributes." Is a heritage building currently used for commercial purpose primarily of value for its heritage or its commercial attributes? This could mean the Crown cannot designate buildings except those meeting very narrow criteria—buildings that are abandoned or buildings which are house museums. There is no such debate over the value of archaeological resources.

For heritage buildings, heritage significance is usually determined late in the development process—after the property has been acquired, preliminary designs approved, and financing arranged—when too much is at stake. When a developer has argued loss, he is not always wrong and so has usually been heard. The Province's extensive inventory of historic buildings could have been the initial point of contact for developers, but it remains relatively unknown. Developers, often with plans in hand, have been all too ready to agree with their architects and to ignore the persuasions of municipally and provincially employed heritage planners. What's more, those sections of the Act that might have allowed a community-wide process for the preservation of the built environment were impossible to implement, especially since

every owner had the right to object.

Neither have the philosophical meanderings of the professional mind always helped. While Section 33 of the Act allows for historical resource impact assessments on buildings, some have argued that the impact of re-development on a building is known—it will be bulldozed. Its history, its attributes, and its value are apparent, so why assess known values? However, the Act also allows the Crown to determine mitigation, which could include preservation of a facade, an interior, or just a photograph. It can be argued that if the impact assessment process were rigorously applied in every case in which heritage fabric was involved, the development industry would have been working with the Department of Community Development to achieve cost effective designs and architectural solutions. Rather than developers' increasingly surreal attempts to recreate our heritage in new subdivisions, a strong dose of reality (that is, the historic past) could have been preserved for the future.

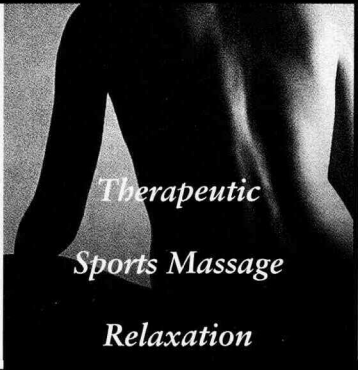
As the millennium approaches, the Department could review the Act to determine how it might be fully implemented. The Act does allow for processes which could be as fair and transparent for the built environment as they have been for archaeology. Perhaps the most appropriate solution would be to encourage department officials to review all land use plans under Section 33 for impact on heritage buildings. Suggested mitigation and approved development possibilities could then be part of the impact assessment. Most importantly, developers would be shown that a building had heritage value. As in the case of archaeological mitigation requirements, its many development possibilities could be negotiated. But the developer would know the opportunities at the outset. Just a thought. ✱

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