

# TOWN OF BANFF BYLAW 375

## Municipal Historic Designation Bylaw – Peter and Catharine Robb Whyte Residence

### A Bylaw to designate the Peter and Catharine Robb Whyte Residence as a Municipal Historic Resource

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**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 as a Municipal Historic Resource upon giving notice to the owner of the resource in accordance with the *Historical Resources Act*; and

**WHEREAS** it is deemed in the public interest to designate the building located in the Town of Banff at 130 Bow Avenue / 121 Lynx Street known as the Peter and Catharine Robb Whyte Residence as a Municipal Historic Resource; and

**WHEREAS** the owners of the Peter and Catharine Robb Whyte Residence (The Peter and Catharine Whyte Foundation) have agreed to the terms and conditions of the compensation proposal set out in **Schedule “C”** as compensation for the designation of the Peter and Catharine Robb Whyte Residence as a Municipal Historic Resource;

**NOW THEREFORE** the Council of the Town of Banff, in the Province of Alberta, having complied with the *Historical Resources Act*, and duly assembled, hereby enacts as follows:

#### 1.0 BUILDINGS DESIGNATED AS A MUNICIPAL RESOURCE

- 1.1 The building known as the Peter and Catharine Robb Whyte Residence, specifically described in **Schedule “A”** which are located on the lands legally described as follows:

Lot 12, Block A, Plan: 6719 BC

Is designated as a Municipal Historic Resource

#### 2.0 PERMITTED REPAIRS AND REHABILITATION

- 2.1 In this bylaw, subject to section 3 hereof, the site hereby designated in section 1 as a Municipal Historic Resource shall not be removed, destroyed, disturbed, altered, rehabilitated, repaired or otherwise permanently affected, other than in accordance with the terms of **Schedule “B”** attached.

### 3.0 ADMINISTRATOR

- 3.1 The Director of the Town of Banff Planning and Development Department is hereby appointed to administer the implementation of any matters arising from the matters set out in **Schedule “B”**.

### 4.0 COMPENSATION

- 4.1 Compensation shall be paid to the registered owners of the Peter and Catharine Robb Whyte Residence herein designated a Municipal Historic Resource in the manner, at the times and in the amounts set out in **Schedule “C”**.

### 5.0 SCHEDULES

- 5.1 Schedules “A” and “B” and “C” form part of this bylaw.

### 6.0 ENACTMENT

- 6.1 This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designate.

READ A FIRST TIME this 22<sup>nd</sup> day of March, 2021.

READ A SECOND TIME this 22<sup>nd</sup> day of March, 2021.

READ A THIRD TIME this 22<sup>nd</sup> day of March, 2021.

SIGNED AND PASSED this 22<sup>nd</sup> day of March, 2021.

On Original

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Karen Sorensen  
Mayor

On Original

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Kelly Gibson  
Town Manager

## SCHEDULE A – STATEMENT OF SIGNIFICANCE

This Statement of Significance forms Schedule “A” to Bylaw No. 375 and provides a *Description of the Historic Place*, explains the *Heritage Value* of the building and identifies, by written description and photographs, those *Character Defining Elements* of the Peter and Catharine Robb Whyte Residence which are regulated by the “General Guidelines for Conservation” (**Schedule “B”**) and must be preserved (the “Regulated Character Defining Elements”). This Statement of Significance is an abridged version of the full Statement of Significance dated 2016.

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### **Description of Historic Place**

The Whyte Residence (130 Bow Avenue) is a cross-gabled, two-storey log cabin in the pre-railroad folk architectural style, built for Peter Whyte and Catharine Robb Whyte in 1930-31. The cabin was designed as both a home and an artists’ studio, and the Whytes lived and worked there over a fifty-year period in the mid-20th century. The cabin initially exhibited an L-shaped two-room main floor layout with a two-bedroom sleeping loft, and through the years experienced several additions and alterations to meet Peter and Catharine’s changing needs over the course of their lives. Originally located on a wooded property on the east bank of the Bow River, the block’s environmental context shifted with Peter and Catharine’s decision to establish what is now the Whyte Museum of the Canadian Rockies. Today, the cabin is clustered with several relocated heritage homes conserved by the Whyte Museum, a practice that began on Catharine’s initiative during her lifetime. The cabin sits adjacent to the Whyte Museum building, and continues to be conserved and used by the Museum to share the history of its founders: significant local artists, and pioneers in the town and its cultural community

### **Heritage Value**

The Whyte Residence is valuable and worthy of conservation due to its representative folk architectural style, and its relationship to Peter and Catharine Robb Whyte, who were prominent members of the Banff community through its maturation in the 20th century. The residence displays a clear physical reflection of Peter and Catharine’s work as artists and their social life as hosts, as well as their modest approach to the design of their home. It is additionally reflective of their needs and desires through the rapidly changing 20th century, and the residence may thus also yield information about life and the changing landscape in Banff through this period. Its current location on the Whyte Museum grounds helps to tell the important story of this institution that has been so influential in the promotion and preservation of Banff’s heritage.

### **Character Defining Elements**

The Regulated Character Defining Elements of the Peter and Catharine Robb Whyte Residence include, but are not limited to:

#### *Exterior*

- Cross-gabled roof
- Simple, non-ornamental approach to design

- Use of local logs and Rundle stone
- Purlins visible along the exterior roof line of the second floor of the original cabin
- Saddle-notched rounded log exteriors of each unit
- Original north and south dormers
- Wood shakes roof covering
- Original front door (interior door), and original door frame
- Rounded log window frames, window panes, storm windows and thick wood functional shutters on ten windows (two on main floor facade, two on either side of chimney, the large north side artists' window, two on south side off the kitchen, south side dormer window, and two north side dormer windows)
- South side exterior coal chute

#### *Interior*

- The original L-shaped floorplan featuring the kitchen, studio living room, two upstairs bedrooms, the upstairs bathroom, three closets and a balcony
- Purlins visible along the interior roof lines on the main and second floors, especially the original balcony purlins that extend into the current eastside additions
- Wide wood plank floorboards in all original floorplan rooms except the kitchen
- Remaining original wood balcony floorboards in current upstairs studio extension
- Five original interior rounded log door frames (door and frame between kitchen and living room, former back door, upstairs door into bedroom, upstairs door into former second bedroom, former upstairs, balcony door where only the inside door frame remains)
- Remaining window frame in the original back wall (currently surrounds a cabinet)
- 1939 staircase
- Rundle stone living room fireplace and chimney
- Black triangular working hinge used throughout the house (on doors, cabinets, original furniture)

#### *Elements from later additions that reflect the original architectural character and the Whyte's changing needs over time:*

- West-facing gable dormer
- South-facing Dutch door into the first extension
- East-facing interior door into the 1957 extension
- Matching exterior doors on the east and west doorways
- Use of local Rundle stone along lower exterior walls and horizontally-oriented wood material above
- Small square panes in most newer windows
- Thick wood functional shutters on most newer windows
- Elements that reflect the Whyte Residence's information potential, and its relationship to Peter and Catharine Robb Whyte as well as to the Whyte Museum:
  - The residence's location on the Whyte Museum grounds
  - The cabin's orientation toward Bow Avenue and the Bow River

Non-regulated portions of the building, being all other portions of the building not specifically identified as a Regulated Character Defining Element, may be rehabilitated, altered, repaired or replaced provided 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 must meet the General Guidelines for Rehabilitation. Any development of any portion of the Land shall be undertaken in a manner that is sympathetic to the regulated historic features of the building.

### PHOTOGRAPHIC DETAILS



Two storey log cabin



Cross-gabled roof



Simple, non-ornamental approach to design



Use of local logs and Rundlestone



Purlins visible along the exterior roof line of the second floor of the original cabin



Historical front exterior

## SCHEDULE B – GENERAL GUIDELINES FOR CONSERVATION

This is **Schedule “B”** to Bylaw 375 and identifies the “General Guidelines for Conservation” for the Peter and Catharine Robb Whyte Residence located at 130 Bow Avenue on lands described as Lot 12, Block A, Plan 6719 BC recorded in Alberta Land Titles as number 831 121 180.

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### GENERAL GUIDELINES FOR CONSERVATION

1. Approval of Development or Alterations

As per section 26 (6) of the Alberta *Historical Resources Act*, notwithstanding any other Act, no person shall destroy, disturb, alter, restore or repair an historic resource or remove any historic object from an historic resource that has been designated under this section, without the written approval of the Council or person appointed by the Council of the purpose.

Council has appointed the Director of Planning and Development Department as the approving authority for this purpose. Any development or alterations affecting for the Peter and Catharine Robb Whyte Residence shall respect and conserve the heritage value and character defining elements identified in the statement of significance in accordance with these General Guidelines for Conservation and as recommended in the Standards and Guidelines for the Conservation of Historic Places.

2. 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.

3. Original Character

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

4. 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 later idiom shall be discouraged.

5. 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 significance in its own right, alterations to the original building should be recognized and respected where indicated.

6. Reversibility of Improvements

When the introduction of new elements or materials is necessary to stabilize or preserve a municipally designated historic resource, alterations 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 that have been thoroughly tested and found satisfactory in situ shall be used.

7. 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.

8. Style and Craftsmanship

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

9. 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.

10. Original Construction Details

In some historic structures, poor construction details or inappropriate material resulted in rapid deterioration of certain building elements. In these instances, accurate restoration of the original detail will inevitably result in the failure of the element. Therefore, restoration of the resource 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. Enforcement

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

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. 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.

14. Signs

As a general rule signs should be limited to signs that were originally present on the building. In instances where new use 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. All signs must conform to the Banff Land Use Bylaw.

## SCHEDULE C

This is **Schedule “C”** to Bylaw 375, being a Bylaw to Designate the Peter and Catharine Robb Whyte Residence as a Municipal Historic Resource.

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### Summary of Compensation

1. Pursuant to section 28 of the *Historical Resources Act*, R.S.A. 2000, c. H-9, as amended, the Town of Banff (the “Town”) is required by law to provide compensation to the Owner of the Peter and Catharine Robb Whyte Residence as a result of its designation as a Municipal Historic Resource. The Peter and Catharine Whyte Foundation is the owner of the Peter and Catharine Whyte Residence (Lot 12, Block A, Plan 6719 BC recorded in Alberta Land Titles as number 831 121 180) as indicated on title for the Lease Agreement with Parks Canada.
2. Provided that at all times the Owner has performed its obligation under the Compensation Agreement and is not in default in any way under the Compensation Agreement, the Town and/or the Banff Heritage Corporation shall provide the following consideration to the Owner for the designation of the Peter and Catharine Robb Whyte Residence as a Municipal Historic Resource:
  - 2.1. Upon designation of the Peter and Catharine Robb Whyte Residence as a Municipal Historical Resource, and so long as the resource remains in serviceable condition, the Town shall grant a one-time matching restoration/rehabilitation grant during the years 2021 – 2025 inclusive. The amount of the grant shall not exceed \$50,000 and in no circumstances shall the Town be obliged to advance more than this amount. A maximum of \$25,000 may be advanced in the year 2021, with the remaining \$25,000 to be advanced in the years 2022-2025.

The Consideration shall be provided to the Owners in the manner described in paragraphs 4 through 10 of this **Schedule “C”**.

3. Unless otherwise defined in this Bylaw the terms used in **Schedule “C”** shall have the same meaning as was assigned to them in the Compensation Agreement between the Town and the Owners.

### Restoration/Rehabilitation Grant

4. The grant shall be advanced to the Owner in one or more installments on the condition that an agreed plan of Restoration/ Rehabilitation Work is prepared following a structural assessment of the building. The assessment must be submitted to the Town for review prior to undertaking work and shall be prepared by a suitably qualified engineer with experience in historic structures. After 2025, neither the Town nor the Banff Heritage Corporation shall be obligated to advance further monies to the Owner notwithstanding that some of the Restoration/Rehabilitation Work is not completed or that the full amount of the grant has not been advanced.

5. Upon completion of the agreed Restoration/Rehabilitation Work the owner shall provide the Town with:
  - 5.1. A statutory declaration from the Owner certifying that the Restoration/Rehabilitation Work has been completed;
  - 5.2. Receipts or other documents indicating that all suppliers and contractors involved in performing the Restoration/Rehabilitation Work have been paid in full for their goods or services; and
  - 5.3. Evidence that the Owner received competitive bids or estimates before engaging any contractor or supplier.
6. Within 14 days of receiving the documents described in clause 5 above, the Town shall inspect the Peter and Catharine Robb Whyte Residence and either:
  - 6.1. Issue a Notice of Completion, indicating that the work has been performed to the satisfaction of the Director of the Planning and Development Department, or
  - 6.2. Provide the Owner with a description of the particulars in which the work performed is incomplete or deficient in the opinion of the Director of the Planning and Development Department (a “Deficiency List”).
7. In calculating the cost of performing the Restoration/Rehabilitation Work, the Town shall include the cost of labour and materials and any reasonably incurred professional fees and disbursements. However, such costs shall not include costs related to the interruption of the use of the Peter and Catharine Robb Whyte Residence due to renovations, or costs or repairing any damage unintentionally caused to the buildings.
8. After the Owner has completed the Restoration/Rehabilitation Work and all grant installments have been made to the Owner in accordance with clause 4 above, the Owner shall not be entitled to any further advances.
9. Payment of the matching Restoration/ Rehabilitation Grant may be discontinued if the historical integrity of the Peter and Catharine Robb Whyte Residence is destroyed; if the Peter and Catharine Robb Whyte Residence is not in serviceable condition or if Bylaw No. 375, designating the Peter and Catharine Robb Whyte Residence is rescinded at the discretion of Council.