

City of Vancouver wins B.C. Supreme Court case against Shaughnessy homeowners

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The Fleck Mansion at 1296 The Crescent, which was built in 1924, is one of the First Shaughnessy homes that can't be demolished in the heritage conservation area.

Five Shaughnessy homeowners have not succeeded in overturning Vancouver council's decision last year to create a [heritage conservation area](#).

B.C. Supreme Court justice Shelley Fitzpatrick dismissed their claim that it was beyond the city's jurisdiction to prevent the demolition of homes in First Shaughnessy built before 1940.

The petitioners alleged in court that the bylaw was enacted in bad faith.

Specifically, they argued that the city could not have listed all pre-1940 dwellings in the neighbourhood in an appendix without conducting individual assessments to determine their heritage merit.

Fitzpatrick rejected this claim.

"There was no reasonable basis upon which any member of the public could have been misled to believe that the development of Appendix A4 was based on an actual assessment of each property on that schedule," the judge wrote in [her ruling](#).

First Shaughnessy's boundaries are West 16th Avenue, East Boulevard, King Edward Avenue, and Oak Street.

What this decision means for other areas that could be deemed heritage conservation areas—such as Strathcona—was not addressed in the ruling.