

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

RICHARD NIEBUHR ENTERPRISES LTD. dba NIEBUHR CONSTRUCTION and  
JAMES NIEBUHR WOODWORKS LTD. dba NIEBUHR CONSTRUCTION

PETITIONERS

AND:

VANCOUVER (CITY) BOARD OF VARIANCE

RESPONDENT

**AFFIDAVIT**

I, Penelope Street, retired instructional designer (BC Open University), with a residence at 1760 Napier Street, in the City of Vancouver, in the Province of British Columbia, HEREBY MAKE OATH AND DEPOSE AS FOLLOWS:

1. With Sharon Kravitz, I was one of two appellants at the August 24, 2005, Appeal Z31931 to the Board of Variance. Together Sharon and I represented a group of community members, the "Friends of Salsbury Garden," who had been working together for some time in an attempt to save Salsbury Garden, the cob house situated in the garden, and the two heritage houses on the property from demolition.
2. I have worked for twenty-five years as an instructional designer and have done archival and historical research for university courses in the history of B.C. and of Canada. Before that, as associate editor of a magazine called *Urban Reader*, published for several years by the Social Planning Department of the City of

Vancouver, I researched and wrote numerous articles about the history of the City of Vancouver.

3. About eight years ago I began researching the history of my house at 1760 Napier Street, which is adjacent to the Salsbury Garden property at issue in this case and is part of a cluster of historically noteworthy buildings in the neighbourhood.
4. Attached hereto and marked as Exhibit “A” to this my affidavit are two diagrams I have drawn indicating the layout of the 1117 and 1121 Salsbury Drive properties, the Salsbury Garden, my home at 1760 Napier, and some other buildings in the immediate vicinity that are also of historical significance.
5. I have researched the history of this neighbourhood at the City of Vancouver Archives and I have also interviewed the daughter and three of the granddaughters of Arthur W. Greenius, the dentist who owned the Salsbury properties and the 1760 Napier property between 1918 and 1957.
6. Based on my research, I have learned the following about the history of these properties:
  - a. “Salsbury Garden,” is a site that includes two workers’ cottages (at 1117 and 1121 Salsbury Drive) that were erected from B.C. Mills pre-fab kits in 1907 by the original property owner Charles Reid.
  - b. Reid went on, in 1910, to build a third, grander house on the property, facing Napier Street, deliberately leaving a large area for a garden.
    - i. Now produced and shown to me and marked as Exhibit “B-1” to this my affidavit is a picture of the 1117 and 1121 Salsbury Drive houses. It comes from the Greenius family photo album and was taken in about 1920.
    - ii. Now produced and shown to me and marked as Exhibit “B-2” to this my affidavit is a picture of the 1117 and 1121 Salsbury Drive houses,

together with the 1760 Napier property. It too comes from the Greenius family photo album and was also taken in about 1920.

- c. In 1918, Reid sold the three thirty-three-foot city lots — the Napier Street house, the two Salsbury Drive houses, and the garden — to Arthur W. Greenius, a young dentist from Oregon, and his wife, Minnie.
- d. Dr. Greenius practiced dentistry in the Grandview neighbourhood from 1918 until 1957 (at 1<sup>st</sup> and Commercial Drive for many years, and then, later, he and his son Wilmer, who had also become a dentist, moved their joint practice to Broadway and Commercial).
- e. When Arthur and Minnie's two children, Wilmer and Myrtle, were young, the Greeniuses rented out the two Salsbury houses to local workers.
- f. Later, when Wilmer and Myrtle became adults and married, each moved into one of the Salsbury houses and each raised two children next door to their parents and on the Greenius estate.
  - i. Now produced and shown to me and marked as Exhibit "B-3" to this my affidavit is a picture of the 1117 and 1121 Salsbury Drive houses after they had been "upgraded" to stucco cladding in approximately 1949.
- g. In 1957 Dr. Greenius (at the age of 75) divided the Salsbury Garden estate and sold it as two parcels: one parcel included the two B.C. Mills workers' cottages on Salsbury Drive and the garden Greenius had tended for forty-one years; the other parcel included the large family house at 1760 Napier Street, which is where I have lived for nearly nine years.
  - i. Now produced and shown to me and marked as Exhibit "B-4" to this my affidavit is a picture of the 1760 Napier property in about 1920. The front façade has not changed significantly since that time. On the porch are Dr. Greenius, his two children, Wilmer and Myrtle, and an unidentified man.
  - ii. Now produced and shown to me and marked as Exhibit "B-5" to this my affidavit is a picture taken from the middle of the Greenius family

garden looking toward the side exterior of 1760 Napier, probably taken in the 1940s.

- iii. Now produced and shown to me and marked as Exhibit “B-6” to this my affidavit is a picture of Dr. Greenius and his wife Minnie in the garden in the 1950s.
  - iv. Now produced and shown to me and marked as Exhibit “B-7” to this my affidavit is a photograph I took of two of Dr. Greenius’ granddaughters, Evelyn Greenius and Fran Hebden, standing in front of the cob house in Salsbury Garden in the summer of 2005.
7. Attached hereto and marked as Exhibit “B” to this my affidavit are photocopied reproductions of exhibits B.1 through B.7.
  8. Now produced and shown to me and marked as Exhibit “C” to this my affidavit are current pictures of the Salsbury Garden.
  9. In 1975, the Research Division of Parks Canada published an “Occasional Paper” entitled *The B.C. Mills Prefabricated System: The Emergence of Ready-Made Buildings in Western Canada*, authored by G.E. Mills and D.W. Holdsworth. This paper documents the story of the British Columbia Mills, Timber and Trading Company, the most influential and innovative manufacturer of a prefabricated building system in Western Canada in the period between 1904 and 1910. B.C. Mills pre-fab kits were shipped, by train, to settlers all over Western Canada, but, as well, many structures were built in Vancouver during this period.
  10. Now produced and shown to me and marked as Exhibit “D” is a print copy of the *Canadian Historic Sites*” journal in which the above-reference paper appears.
  11. Attached hereto and marked as Exhibit “E” to this my affidavit are excerpts from the above-referenced Mills and Holdsworth paper explaining the historical significance of these buildings and containing pictures of the buildings of this kind that still

existed in Canada in 1974. (See especially the Abstract, page 128 and page 130, column 2, near the bottom)

12. This Mills and Holdsworth paper was intended to be a comprehensive catalogue of B.C. Mills buildings still in existence in 1974. It appears that the 1117 and 1121 Salsbury cottages were inadvertently missed because, when the original building exterior was stuccoed in approximately 1949, the stucco concealed the tell-tale B.C. Mills panels, the very features that would have enabled Mills and Holdsworth to identify them as B.C. Mills pre-fabs. It was only the Greenius photos, taken before the 1949 renovation, that informed experts (including Bruce Macdonald and Donald Luxton) that these were indeed historically significant B.C. Mills structures.
13. In May of 2006, with the Mills and Holdsworth paper in hand, I conducted a “Windshield Survey” by driving to all Vancouver addresses of B.C. Mills structures mentioned in the paper to determine which and how many remain standing. Attached hereto and marked as Exhibit “**F**” to this affidavit is a copy of my Windshield Survey.
14. Based on my review of the Mills and Holdsworth paper and on my Windshield Survey, I can report as follows:
  - a. There were banks, schools, churches and residences built all over Vancouver (and all over Western Canada) from B.C. Mills prefabricated kits.
  - b. By 1974, all but sixteen B.C. Mills structures in the City of Vancouver had been demolished;
  - c. Only eight B.C. Mills structures remain standing today, two of which are the cottages at 1117 and 1121 Salsbury Drive. These are the only “Design J” houses still in existence in Vancouver. (See Exhibit “**E**,” page 136.)
15. The historical value of this pair of workers’ cottages at 1117 and 1121 Salsbury Drive is enhanced by the existence of the 1908 Robertson Presbyterian Church (now a Fijian Temple and Cultural Centre) — also a B.C. Mills structure — which is directly

across from the Salsbury Garden on the northwest corner of Napier Street and Salsbury Drive. (For orientation, refer again to Exhibit “A”.)

16. The church is already included on the City of Vancouver Heritage Register.
17. Directly across Salsbury Drive from the B.C. Mills church and kitty-corner from the Salsbury Garden is a 2001 development called “Salsbury Heights.” This is an infill project where a municipally designated heritage building, Kurrajong/Glen Hospital, was moved to the southwest corner of the large lot it occupied to make room for a number of additional infill structures. The developer was allowed additional density in return for saving the heritage building and features. The anchor in the development, the original Kurrajong/Glen Hospital building (now six of the sixteen units in the development) is also on the Vancouver Heritage Register.
18. Attached hereto and marked as Exhibit “G” to this my affidavit is an article published by CMHC profiling the Salsbury Heights development project.
19. Attached hereto and marked as Exhibit “H” to this my affidavit are excerpts from the Vancouver Heritage Register indicating that both the anchor building, Kurrajong, of the Salsbury Heights project and the BC Mills church are Heritage Buildings. The historic value of the church would be enhanced by adding the two Salsbury houses to the Register
20. The Grandview neighbourhood in recent years has accepted a profound increase in population densification. Just a few years ago the Salsbury Heights development was a quiet seniors’ facility; now it is a sixteen-unit housing complex. As a resident of the Grandview neighbourhood, I am concerned that development proceeds in a manner that preserves the unique character of the neighbourhood and ensures adequate public green spaces, and I am informed by many of my neighbours and verily believe that others in the neighbourhood share these concerns.

21. Attached hereto and marked as Exhibit “I” to this my affidavit is a document noting a number of minor errors I observed in the transcript of the Board of Variance hearing of this matter.

22. Attached hereto and marked as Exhibit “J” to this my affidavit is a copy of my *curriculum vitae*.

SWORN BEFORE ME at Vancouver )  
British Columbia, this \_\_\_ day of )  
May, 2006 )  
 )  
 )  
 )  
\_\_\_\_\_ ) \_\_\_\_\_  
A Commissioner for taking affidavits ) Penelope Street  
for British Columbia )