

January 15, 2020

Pam Mood, President  
Nova Scotia Federation of Municipalities  
Suite 1304, 1809 Barrington Street  
Halifax, NS B3J 3K8

Dear Ms. Mood:

Government is preparing to proclaim amendments made to the *Heritage Property Act (Act)* passed in 2015 following consultation. Since then, our staff have been working on the regulations for the Heritage Conservation Districts and the creation of the regulations for Cultural Landscapes. We are nearing the completion of that process and hope to proclaim the amended *Act* during the spring session of the Nova Scotia Legislature.

I am writing to seek the support and assistance of the Nova Scotia Federation of Municipalities (NSFM) to facilitate consultation with municipalities and their municipal heritage property owners on two items that may better support registered municipal heritage properties and areas being considered for a municipal heritage conservation district or cultural landscapes under the *Act*. As explained in the attached overview, the items identified include:

**1) Removal of Section 18 of the *Act*, *Consideration by municipality of application to alter or demolish*:**

This section allows a registered municipal heritage property owner to complete an alteration or demolition which may be contrary to a decision of a municipal council provided that a three-year waiting period has passed since the formal application was made.

**2) New provision proposed to provide authority to the municipality to put in place a pause for a period of time for specific types of development, site specific, while a conservation plan and conservation by-law documents are being prepared for a proposed heritage conservation district or cultural landscape. The municipality would be provided the authority to put the provision in place for up to one year.**

Given these proposed amendments to the *Act* will directly affect municipalities, we would appreciate receiving input on these proposed targeted amendments by February 8, 2020. Please forward all input from the NSFM and/or municipalities to Ms. Mary-Louise Hartigan at 902-424-5647 or email to [mary.hartigan@novascotia.ca](mailto:mary.hartigan@novascotia.ca)

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**Nova Scotia Federation of Municipalities**

Meanwhile, should the NSFM or the municipalities have any questions regarding these two items, please contact Mr. Kevin Barrett, Coordinator, Heritage Property Program, directly at 902-424-6396 or [kevin.barrett@novascotia.ca](mailto:kevin.barrett@novascotia.ca).

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Beaton', with a horizontal line extending to the right.

Craig Beaton, Executive Director  
Culture and Heritage Development

cc: Ms. Kathleen Trott, Executive Director, Policy and Corporate Services  
Mr. Gordon Smith, Provincial Director of Planning  
Mr. Kevin Barrett, Coordinator, Heritage Property Program

Attachment (1)

## Attachment 1

### Items identified for consideration:

#### **1. Removal of Section 18 of the Act, Consideration by municipality of application to alter or demolish:**

This section allows a registered municipal heritage property owner to complete an alteration or demolition which may be contrary to a decision of a municipal council provided that a three-year waiting period has passed since the formal application was made.

- Section 17 of the *Act* provides authority to municipal council to consider application to alter or demolish a registered municipal heritage property.
- Should municipal council not approve the application, Section 18 of the *Act* provides the property owner authority to alter or demolish their registered municipal heritage property without council's approval in accordance with Section 18(3).
- It has been suggested that the removal of Section 18 from the *Act* would better steward registered municipal heritage properties while maintaining the opportunity to consider applications to alter or demolish a registered municipal heritage property by its municipal council under Section 17.

#### **2. New provision proposed to provide authority to the municipality to put in place a pause for a period of time for specific types of development, site specific, while a conservation plan and conservation by-law documents are being prepared for a proposed heritage conservation district (HCD) or cultural landscape (CL). The municipality would be provided the authority to put the provision in place for up to one year.**

- Section 19 of the *Heritage Property Act (Act)* provides for the opportunity for a municipality to consider a proposed HCD for part of a municipality.
- Sections 6 and 7 of the *Heritage Conservation District Regulations* require the municipal council to adopt a public participation program and the development of background studies to support the rationale for heritage conservation measures and its specific boundaries for Minister's consideration.
  - Should Minister not require additional information, the municipality can then initiate the public process to prepare the conservation plan and conservation bylaw documents for the proposed HCD.
- While the municipality completes public participation to better support the preparation of the conservation plan and conservation bylaw documents for the proposed HCD, it has been suggested that municipalities may wish to have the authority to put in place a pause on specific types of development, site specific, for up to one year.

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### Items identified for consideration

- It has been suggested that a new provision of the *Act* be developed that would allow, by bylaw, a municipality to suspend specific types of development for up to one year, while the conservation plan and conservation by-law documents for the proposed HCD or CL are being prepared.
  - Other jurisdictions, including Ontario, British Columbia, Manitoba, Quebec and the City of Winnipeg (by-law), provide through legislation similar provisions while an area is under consideration for a proposed HCD.