



BILL NO. 125

Government Bill

*2nd Session, 61st General Assembly
Nova Scotia
59 Elizabeth II, 2010*

An Act to Amend Chapter 199 of the Revised Statutes, 1989, the Heritage Property Act

CHAPTER 54
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 10, 2010**

The Honourable Percy A. Paris
Minister of Tourism, Culture and Heritage

*Halifax, Nova Scotia
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**An Act to Amend Chapter 199
of the Revised Statutes, 1989,
the Heritage Property Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 199 of the Revised Statutes, 1989, the *Heritage Property Act*, as amended by Chapter 10 of the Acts of 1991, is further amended by

(a) adding “, public-building interiors” immediately after “buildings” in the third line;

(b) adding “, cultural landscapes” immediately after “streetscapes” in the third line;

(c) striking out the period at the end of the clause (j) and substituting a semi-colon; and

(d) adding immediately after clause (j) the following clause:

(k) “streetscape” means two or more adjacent properties whose collective appearance from the streets has heritage value.

2 Section 3 of Chapter 199, as amended by Chapter 10 of the Acts of 1991, is further amended by

(a) adding immediately after clause (ca) the following clause:

(caa) “character-defining elements” means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value;

(b) relettering clause (da) as (daa) and adding immediately before that clause the following clause:

(da) “cultural landscapes” means a distinct geographical area or property uniquely representing the combined work of nature and of people.

(c) adding immediately after clause (ea) the following clause:

(eb) “heritage value” means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings;

(d) adding immediately after clause (i) the following clauses:

(ia) “public-building interiors” means character-defining elements of publicly accessible interiors of a building owned by the Government of the Province in the case of a provincial heritage property or owned by a municipality in the case of a municipal heritage property;

(ib) “regional municipality” means a regional municipality as defined in the *Municipal Government Act*;

(e) adding “, public-building interior” immediately after “building” in the second line of clause (g);

(f) adding “, cultural landscape” immediately after “streetscape” in the second line of clause (g);

(g) striking out “city” in the first line of clause (h) and substituting “regional municipality”;

(h) adding “, public-building interior” immediately after “building” in the second line of clause (i);

(i) adding “, cultural landscape” immediately after “streetscape” in the second line of clause (i);

(j) striking out the period at the end of clause (j) and substituting a semicolon; and

(k) adding immediately after clause (j) the following clause:

(k) “substantial alteration” means any action that affects or alters the character-defining elements of a property.

3 Section 4 of Chapter 199 is amended by adding immediately after subsection (1) the following subsection:

(1A) The Governor in Council shall consider any criteria set out in the regulations in the selection of persons to be appointed pursuant to subsection (1).

4 Clause 5(a) of Chapter 199 is amended by

(a) adding “, public-building interiors” immediately after “buildings” in the first line; and

(b) adding “, cultural landscapes” immediately after “streetscapes” in the first line.

5 (1) Subsection 7(1) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the second line; and

(b) adding “, cultural landscape” immediately after “streetscape” in the second line.

(2) Section 7 is further amended by adding immediately after subsection (1) the following subsection:

(1A) Before making a recommendation pursuant to subsection (1), the Advisory Council shall evaluate the provincial heritage value of a property against any baseline criteria established by the regulations.

(3) Subsection 7(2) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the third line; and

(b) adding “, cultural landscape” immediately after “streetscape” in the third line.

(4) Subsection 7(3) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the first line of clause (a);

(b) adding “, cultural landscape” immediately after “streetscape” in the first and second lines of clause (a);

(c) adding “, public-building interior” immediately after “building” in the third line of clause (d); and

(d) adding “, cultural landscape” immediately after “streetscape” in the third line of clause (d).

(5) Subsection 7(4) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the second and in the fourth lines; and

(b) adding “, cultural landscape” immediately after “streetscape” in the second and in the fourth lines.

(6) Subsection 7(5) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the third line; and

(b) adding “, cultural landscape” immediately after “streetscape” in the third line.

6 (1) Subsection 8(1) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the fourth line; and

(b) adding “, cultural landscape” immediately after “streetscape” in the fifth line.

(2) Subsection 8(2) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the third and in the last lines; and

(b) adding “, cultural landscape” immediately after “streetscape” in the third and in the last lines.

7 (1) Clause 9(2)(b) of Chapter 199 is amended by adding “as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner” immediately after “inappropriate” in the last line.

(2) Clause 9(3)(b) of Chapter 199 is amended by adding “as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner” immediately after “inappropriate” in the last two lines.

8 (1) Subsection 11(1) of Chapter 199 is amended by adding “or public-building interior” immediately after “exterior” in the second line.

(2) Subsection 11(2) of Chapter 199 is amended by adding “or public-building interior” immediately after “exterior” in the second line.

(3) Section 11 is further amended by adding immediately after subsection (3) the following subsection:

(3A) The Advisory Council shall assess the application using any standards and guidelines set out in the regulations.

9 Clause 13(a) of Chapter 199 is amended by

(a) adding “, public-building interiors” immediately after “buildings” in the first line; and

(b) adding “, cultural landscapes” immediately after “streetscapes” in the first line.

10 (1) Subsection 14(1) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the second line; and

(b) adding “, cultural landscape” immediately after “streetscape” in the second line.

(2) Subsection 14(2) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the third and in the fifth lines; and

(b) adding “, cultural landscape” immediately after “streetscape” in the third and in the fifth lines.

(3) Subsection 14(3) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the first line of clause (a);

(b) adding “, cultural landscape” immediately after “streetscape” in the first and second lines of clause (a);

(c) adding “, public-building interior” immediately after “building” in the third line of clause (d); and

(d) adding “, cultural landscape” immediately after “streetscape” in the third line of clause (d).

(4) Subsection 14(4) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the second and in the fourth lines; and

(b) adding “, cultural landscape” immediately after “streetscape” in the second and in the fourth lines.

(5) Subsection 14(5) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the third line; and

(b) adding “, cultural landscape” immediately after “streetscape” in the third line.

11 (1) Subsection 15(1) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the fifth line; and

(b) adding “, cultural landscape” immediately after “streetscape” in the fifth line.

(2) Subsection 15(3) of Chapter 199 is amended by

(a) adding “, public-building interior” immediately after “building” in the second line; and

(b) adding “, cultural landscape” immediately after “streetscape” in the second line.

12 Clause 16(1)(b) of Chapter 199 is amended by adding “as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner” immediately after “inappropriate” in the last line.

13 (1) Subsection 17(1) of Chapter 199 is amended by adding “or public-building interior” immediately after “exterior” in the second line.

(2) Subsection 17(2) of Chapter 199 is amended by adding “or public-building interior” immediately after “exterior” in the second line.

14 Section 18 of Chapter 199 is repealed and the following Section substituted:

18 (1) The municipality may take up to three years to consider an application under Section 17.

(2) In its consideration of the application, the municipality may require public notice of the application and information meetings respecting the application to be held.

(3) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the dem-

olition at any time after three years from the date of the application but not more than four years after the date of the application.

(4) Where the property owner has made the alteration or carried out the demolition in accordance with this Section, the municipality may deregister the property if the municipality determines that the property has lost its heritage value.

15 (1) Section 19A(4) of Chapter 199, as enacted by Chapter 10 of the Acts of 1991, is amended by striking out “of Municipal Affairs” in the fourth line and substituting “responsible for the *Municipal Government Act*”.

(2) Clause 19A(5)(d) of Chapter 199, as enacted by Chapter 10 of the Acts of 1991, is amended by striking out “*Planning*” in the last line and substituting “*Municipal Government*”.

16 Subsection 20A(1) of Chapter 199, as enacted by Chapter 10 of the Acts of 1991, is amended by striking out “Municipal” in the fourth line and substituting “Utility and Review”.

17 Subsection 25(2) of Chapter 199 is amended by striking out “one hundred” in the third line and substituting “two hundred and fifty”.

18 Subsection 26(1) of Chapter 199, as amended by Chapter 10 of the Acts of 1991, is further amended by adding immediately after clause (aa) the following clauses:

(ab) determining the criteria to be used to select appointments of persons to the Advisory Council;

(ac) determining the baseline criteria to be used by the Advisory Council to evaluate the heritage value of a property under consideration for provincial heritage registration;

(ad) determining the standards and guidelines to be used for the conservation of registered provincial heritage property;

(ae) respecting cultural landscapes;

19 Section 18 of Chapter 199, as enacted by this Act, applies to a municipal heritage property whether registered pursuant to Chapter 199 before or after, or whether an application pursuant to Section 17 of Chapter 188 has been made or not approved before or after, the coming into force of this Act.
