

# Sherbrooke Restoration Commission Act

CHAPTER 425 OF THE REVISED STATUTES, 1989

*as amended by*

2022, c. 51, s. 3



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CHAPTER 425 OF THE REVISED STATUTES, 1989  
amended 2022, c. 51, s. 3

**An Act to Create a Sherbrooke  
Planning Area and to Establish a  
Sherbrooke Restoration Commission**

**Table of Contents**

(The table of contents is not part of the statute)

	Section
Short title.....	1
Interpretation.....	2
Designation of Sherbrooke Planning Area.....	3
Acquisition of land by Minister.....	4
Sherbrooke Restoration Commission.....	5
Duties and responsibilities of Commission.....	6
Powers of Commission.....	7
If historic or scientific object acquired by Commission.....	8
Annual inventory.....	9
Financial statement.....	10
Agreement by Minister.....	11
Regulations.....	12

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**Short title**

**1** This Act may be cited as the *Sherbrooke Restoration Commission Act*. 1969, c. 18, s. 1.

**Interpretation**

**2** In this Act,

- (a) “Area” means the Sherbrooke Planning Area;
- (b) “Board” means the Board of Governors of the Nova Scotia Museum;
- (c) “Commission” means the Sherbrooke Restoration Commission;
- (d) “Minister” means the Minister of Communities, Culture, Tourism and Heritage;
- (e) “Project” means the Sherbrooke Restoration Project. 1972, c. 66, s. 1; revision corrected 1991; O.I.C. 95-85; O.I.C. 1999-399; O.I.C. 2003-516; O.I.C. 2011-15; O.I.C. 2021-215.

**Designation of Sherbrooke Planning Area**

**3 (1)** The Governor in Council may by order designate an area within the Municipality of the District of St Mary’s, that includes Sherbrooke, as the Sherbrooke Planning Area.

(2) While a designation made pursuant to subsection (1) is in force, the provisions relating to the erection, use, occupancy, construction, reconstruction, restoration, alteration, repair, destruction or demolition of buildings, contained in a by-law, an official plan or a land-use by-law or in the *Municipal Act*, the *Planning Act*, a planning strategy or any enactment other than this Act, shall not apply to the Area.

(3) The Governor in Council may by order alter or vary the boundaries of the Area.

(4) A copy of the order designating the Area or any order altering or varying the boundaries of the Area shall be published in the Royal Gazette and registered in the office of the Registrar of Deeds for the Registration District of the District of St Mary's.

(5) A copy of any order certified by the Clerk of the Executive Council is admissible in evidence in any proceeding without proof of the signature or office of the person purporting to certify the same as *prima facie* proof of the designation or boundaries of the Area. 1969, c. 18, s. 3.

#### Acquisition of land by Minister

4 (1) The Minister, with the approval of the Governor in Council, may purchase, expropriate or otherwise acquire land within the Area.

(2) Any land which the Minister deems necessary to acquire within the Area shall be deemed to be land acquired for a public purpose within the meaning of the *Expropriation Act*. 1969, c. 18, s. 4; 1973, c. 7, s. 82.

#### Sherbrooke Restoration Commission

5 (1) There is hereby established the Sherbrooke Restoration Commission which shall be a body corporate and consist of the following members:

(a) the member of the Council of the Municipality of the District of St Mary's for the polling area which includes Sherbrooke;

(b) the Director of Cultural Services of the Department of Communities, Culture, Tourism and Heritage;

(c) not more than ten additional members recommended to the Minister by the Board of Governors of the Nova Scotia Museum and appointed by the Governor in Council.

(2) Each member of the Commission appointed by the Governor in Council shall hold office for such term as is prescribed by his appointment.

(3) A member of the Commission who is a member by virtue of his position or office shall cease to be a member when he ceases to hold that position or office.

(4) The Commission shall annually elect a Chair, a Vice-chair and such other officers as it may require and appoint such committees as in its discretion it deems necessary.

(5) No member of the Commission shall receive any remuneration or payment for his services as a member, but each member shall be entitled to actual and reasonable travelling and living allowances while attending meetings or travelling on behalf of the Commission. 1969, c. 18, s. 5; 1972, c. 66, s. 2; revision corrected 1991; O.I.C. 95-85; O.I.C. 1999-399; O.I.C. 2003-516; O.I.C. 2011-15; O.I.C. 2021-215; 2022, c. 51, s. 3.

#### **Duties and responsibilities of Commission**

6 (1) The Commission shall advise the Minister through the Board respecting the orderly restoration and development of the Area and propose regulations that may be required to regulate the use of land and the construction, alteration and use of buildings in the Area.

(2) The Commission shall be responsible to the Board for

(a) the proper use and administration of funds granted to the Commission by the Board;

(b) the preparation of capital and operating estimates of the Sherbrooke Restoration Project;

(c) the planning of programs within the Area which will best employ the resources and people of the Village of Sherbrooke and the surrounding district;

(d) the operation of the Project within the confines of programs and estimates approved by the Minister;

(e) the performance of other functions that may from time to time be required by the Minister or by the Governor in Council. 1972, c. 66, s. 3.

#### **Powers of Commission**

7 The Commission may, with the approval of the Board

(a) enter into agreements with persons, organizations or corporations to advance the purposes of this Act;

(b) make by-laws for the conduct of its business and to regulate the use of the buildings and their contents placed in its care. 1972, c. 66, s. 4.

#### **If historic or scientific object acquired by Commission**

8 The Commission shall register all historic and scientific objects, whether acquired by purchase, donation, devise, bequest or otherwise, in the accession records of the Nova Scotia Museum, and such objects shall be considered a part of the collections of the Nova Scotia Museum and their care and disposition shall be governed by the regulations pertaining thereto. 1972, c. 66, s. 5.

#### **Annual inventory**

9 The Commission shall submit an annual inventory of equipment and furnishings to the Nova Scotia Museum and that inventory shall be considered a part of the holdings and responsibility of the Nova Scotia Museum. 1972, c. 66, s. 6.

**Financial statement**

**10** The Commission shall submit audited financial statements to the Board upon request. 1972, c. 66, s. 6.

**Agreement by Minister**

**11** Upon recommendation from the Commission, the Minister, with the approval of the Governor in Council, may enter into an agreement or agreements with any municipality, with other departments of the Government of Nova Scotia or with the Government of Canada or any minister, department or agency thereof, or any combination of them, for any purpose relating to the Area, to this Act or to the objects of the Commission. 1972, c. 66, s. 6.

**Regulations**

**12 (1)** The Minister, with the approval of the Governor in Council, may make regulations

(a) relating to the erection, use, occupancy, construction, reconstruction, restoration, alteration, repair, destruction or demolition of buildings in the Area;

(b) respecting any matter within the Area in respect of which a by-law, an official plan, a planning strategy or a land-use by-law may be made under the *Municipal Act*, the *Planning Act* or any other enactment;

(c) respecting the restoration or development of the Area;

(d) implementing a proposal of the Commission for regulating the use of land or the construction, alteration or use of buildings in the Area;

(e) respecting any matter necessary for the attainment of the objects of this Act or for the more effective administration thereof.

**(2)** A copy of any regulations made pursuant to this Section may be filed in the office of the Clerk of the Municipality of the District of St Mary's and a copy shall be transmitted to the Minister of Municipal Affairs and Housing. 1972, c. 66, s. 6; O.I.C. 2019-150.