

LAW AMENDMENTS COMMITTEE

Red Room, Province House

Monday, November 30, 2015

1:00 p.m.

Bill #134 - Liquor Control Act (amended)

- 1:00 p.m.
1. Nichole McKim, Employee Relations Officer
Ian Johnson, Servicing Coordinator/Policy Analyst
NSGEU

Bill #133 - Motor Vehicle Act (amended)

- 1:00 p.m.
1. Ben Wedge, Chair
Halifax Cycling Coalition

Bill #136 - Motor Vehicle Act (amended)

- 1:00 p.m.
1. Ben Wedge, Chair
Halifax Cycling Coalition

Bill #118 - Heritage Property Act (amended)

1. Phil Pacey
- 2:00 p.m.
2. Karen Brown, Senior Solicitor
Halifax Regional Municipality
 3. Elizabeth Pacey
 4. Waye Mason
Councillor, District 7
Halifax South Downtown
 5. Alan Parish

Bill #134 - Liquor Control Act (amended) continued

- 3:00 p.m.
1. Shirley Burdock
Injury Free Nova Scotia
 2. Todd Leader
Psychologist, Saint Mary's University

Bill #133 - Motor Vehicle Act (amended) continued

- 3:00 p.m.
1. Norm Collins

Bill #131 - Maintenance and Custody Act (amended)

- 3:00 p.m.
1. Rollie Thompson, Q.C.

Bill #136 - Motor Vehicle Act (amended) continued

- 4:00 p.m.
1. Max Rastelli
 2. Barry Barnet
Executive Director,
All Terrain Vehicle Association of Nova Scotia

Bill #112 - Children and Family Services Act (amended)

deferred from previous meeting

Bill #127 - Labour Standards Code (amended)

deferred from previous meeting

Bill #128 - Labour Standards Code (amended)

no representation

Bill #129 - Securities Act (amended)

no representation

Bill #130 - Community of Sackville Landfill Compensation Act (amended)

no representation

Bill #135 - Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act (amended) and Offshore Licensing Policy Act (repealed)

no representation



HERITAGE TRUST OF NOVA SCOTIA

PRESERVING NOVA SCOTIA'S BUILT HERITAGE

November 30, 2015

Hon. Diana C. Whalen, Chair and
Members of the Law Amendments Committee
Legislative Assembly, Nova Scotia

Madam Chair and Committee Members:

Brief of the Heritage Trust on Bill 118:

The Trust would like to thank Minister Ince for meeting with us on November 19.

Bill 118, as introduced, has serious technical flaws. Some of these flaws, if adopted, could leave the Heritage Property Act open to challenges in court. Some flaws could put the heritage buildings in our province in greater jeopardy. The Trust recommends that the Law Amendments Committee make amendments in three areas.

Clause 9:

Clause 9 of the Bill would repeal the permanent protection for municipal heritage properties in heritage conservation districts. By Subsection 19B(1)(b) of the present Act, municipalities now have the power to protect buildings permanently by including them in a heritage conservation district. Subsection 19B(1)(b) provides that

19B(1)(b) "Section 18 does not apply to any municipal heritage property within the district" [a heritage conservation district].

Section 18 provides in part that

18(3) "Where the Municipality does not approve the application [to alter or demolish a heritage building], the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application."

Outside conservation districts, under Section 18, Municipalities only have the power to protect buildings for three years from the date of an application for a demolition. Inside conservation districts, as long as Subsection 19B(1)(b) remains in place and overrides Section 18, Municipalities have the power to protect buildings permanently. Yarmouth, Lunenburg, Halifax, Maitland, Truro and Cape Breton Regional Municipality have established districts. **Many significant heritage buildings are permanently protected within conservation districts.**

Bill 118 proposes to remove Section 19B(1)(b) from the Act. Municipal heritage properties in conservation districts would no longer have permanent protection; an owner who applied to

demolish a heritage building could carry out the demolition three years later, unless the municipality bought the property or entered into an agreement. **If Clause 9 is adopted, Nova Scotia would become the only province in Canada where municipalities do not have legislated, permanent protective power.**

In a letter to the Trust, Minister Ince has suggested putting wording similar to Subsection 19B(1)(b) into regulations. **Having 19B(1)(b) in the Act is stronger than having it in regulations,** for the following reasons:

1. An Act has a higher status than regulations.
2. The Act can only be changed by the Legislature, with notice, with the opportunity to be heard and after open debate, whereas regulations can be changed behind closed doors. Municipalities could find out that a new cabinet had changed the regulations, and that permanent protection was gone with the stroke of a pen.
3. If 19B(1)(b) is removed from the Act and placed in regulations, a lawyer might challenge the regulatory protection in Court. The lawyer might say that his or her client applied to demolish a municipal heritage property in a conservation district based on Section 18 of the Act, but that the Municipality refused the application, citing the regulations. The lawyer could tell the Court that Section 18 in the Act should take precedence over the regulations. The lawyer could say the cabinet was *ultra vires* in establishing a regulation that is contradicted in the Act. The lawyer could ask the Court to order the Municipality to issue a demolition permit in accordance with Section 18 of the Act. It is difficult to predict in advance what decision a Court might make in such a case. Even if such a lawyer's argument were not successful, it would take time and resources to fight about it. It is much simpler to avoid any dispute by leaving 19B(1)(b) in the Act.
4. If 19B(1)(b) were removed from the Act, an owner might rely on Section 18 and demolish after three years without municipal approval. A demolition, legal or not, would permanently destroy heritage value.

We request that the words of the current Subsection 19B(1)(b) be retained in the Act.

Clauses 3 and 8:

Clauses 3 and 8 would provide extra ways to delete a building from the lists of protected heritage properties in Nova Scotia. These clauses would allow deregistration of heritage properties on the basis of "significant financial difficulties" or "undue hardship to the owner". This wording is subjective and open-ended.

Deregistration of a property, like registration, should be based only on the historic and architectural merit of the property. The Province and Municipalities have the authority to deregister heritage properties under the current Act. The provisions for deregistration in Subsections 9(2)(a) and (b) and 16(1)(a) and (b) of the present Act are sufficient.

The proposed clauses would also set up an internal conflict within the Act. Subsections 9(2)(b) and 16(1)(b) of the present Act state that "loss of the heritage value" "caused by "neglect, abandonment or other action or inaction of the owner" is **not** an allowed justification for deregistration. However, "neglect, abandonment or other action or inaction of the owner" could ultimately lead to "financial difficulty" for the owner. Bill 118 does not propose to exclude "financial difficulties" caused by action or inaction of the owner from the allowed reasons for deregistration. "Neglect" by an owner should not be permitted to justify deregistration under the guise of "financial difficulty" or "undue hardship". The proposed added reasons for deregistration would be in inherent conflict with Subsections 9(2)(b) and 16(1)(b) of the present Act. The proposed amendments could create or even invite irreconcilable conflict between property owners and the Province or municipalities. The amendments would also invite those who desire deregistration (for whatever reason) to allow their property to deteriorate. This would create a host of other problems for communities.

Owners facing financial difficulties now have the options of selling the properties, of applying for a substantial alteration, or of asking for financial help. Adding an extra reason for deregistration would add to the number of deregistration applications and reduce the number of registered properties. Owners who were denied deregistration might take the issue to court.

Clauses 2 and 7:

The third area of concern is Clauses 2 and 7, which would allow for a reduction in the portion of a property that is protected by the Act. Parts of heritage properties can be deregistered now. For a municipal heritage property, this requires a public hearing. **Since a hearing is necessary to register a municipal heritage property, a hearing should also be necessary to remove the designation from part of the property.** The heritage value of a structure depends in part on its compatibility with its surroundings, which includes buildings or other structures on the same lot. Demolition of structures or construction of new buildings on parts of a property outside a scope of registration could affect the compatibility of the property with its surroundings and the longevity of the heritage structure.

A recent trip by our President, Joe Ballard, to the Simeon Perkins House in Liverpool showed how construction of the Queens County Museum complex and associated paved parking and driveway has impacted the historic Perkins House. The construction has disrupted normal storm-water runoff and the saturation capacity of the grounds, which has caused increased water penetration of the stone cellar, which in turn has de-stabilized the floors and walls and contributed to increased moisture inside the house. This demonstrates how construction on parts of a property outside a scope of registration could affect an historic site's integrity structurally and contextually. **The Province and municipalities should be authorized by the Act to consider the effect of a change in scope on the structural and contextual integrity of the heritage property.**

We have provided draft wording for new Clauses 2 and 7 to address these issues.

Heritage Trust draft Clause 2, with new test in bold type:

2 Chapter 199 is amended by adding immediately after Section 8 the following Section:
8A (1) On the application by an owner of a provincial heritage property, the Advisory Council may recommend to the Minister that the scope of the designation of the property as a provincial heritage property be amended.

(2) A recommendation pursuant to subsection (1) may be made if

(a) the heritage value of the property is maintained **and will be maintained if any permitted construction or demolition occurs on the portion of the property outside the proposed scope of designation**; and

Heritage Trust draft Clause 7, with proposed new text in bold type:

7 Chapter 199 is further amended by adding immediately after Section 15 the following Section:

15A (1) On the application of an owner of a municipal heritage property, the heritage advisory committee may recommend to the council that the scope of the designation of municipal heritage property be amended.

(2) A recommendation may be made pursuant to subsection (1) if

(a) the heritage value of the property is maintained **and will be maintained if any permitted construction or demolition occurs on the portion of the property outside the proposed scope of designation**; and

(b) the owner has submitted supporting documentation and a survey plan prepared in accordance with the Standards of Practice of the Association of Land Surveyors of Nova Scotia describing the proposed amendment to the designation and bearing a surveyor's certificate.

(3) Where the council receives a recommendation from the heritage advisory committee to amend the scope of the designation or where the council considers that the proposed amendment of the scope of designation is reasonable, the council may amend the designation as recommended or proposed **after holding a public hearing to consider the proposed amendment of the scope.**

(4) Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.

In summary, the Heritage Trust of Nova Scotia asks the Law Amendments Committee to amend Bill 118 by:

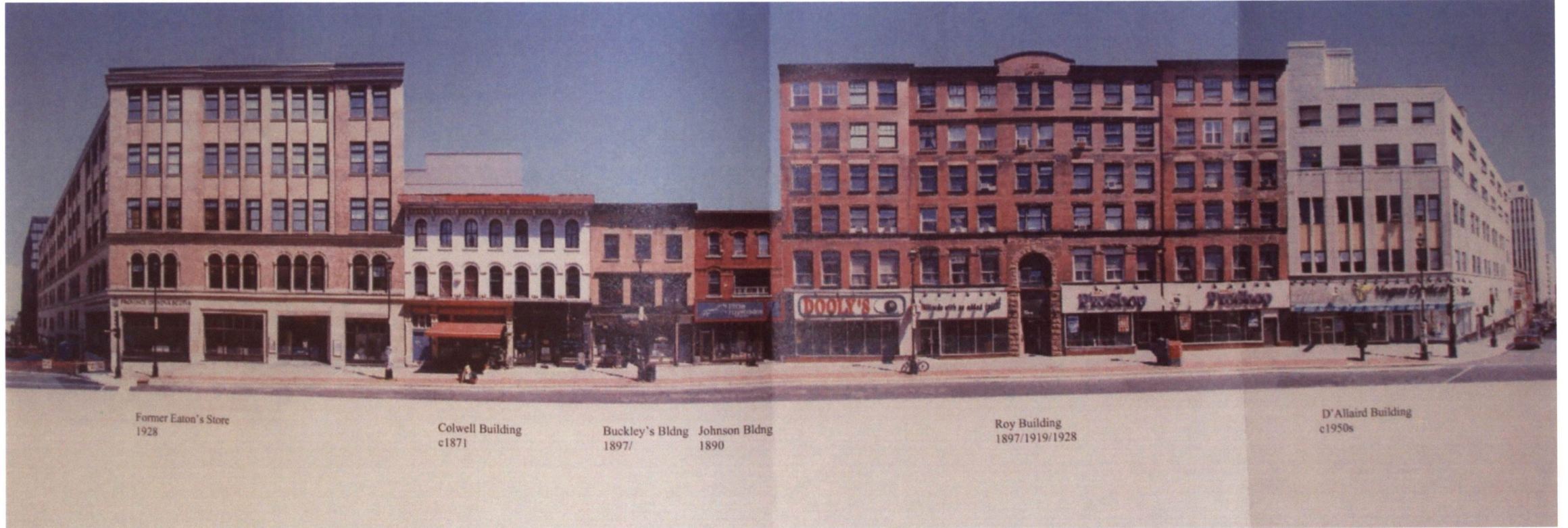
- 1) Retaining the present wording of Subsection 19B(1)(b) in the Act, to continue the permanent protection of municipal heritage properties in heritage conservation districts, and by
- 2) Withdrawing Clauses 3 and 8 from the Bill, to avoid increasing the number of applications for deregistration, and by
- 3) Adopting the additional words in Clauses 2 and 7, as suggested above.

Heritage buildings and sites are important economic and cultural resources in Nova Scotia. Please take action to protect them.

Yours sincerely,

Philip Pacey
Chair, Buildings-at-Risk Fund Committee

Elizabeth Pacey



Former Eaton's Store
1928

Colwell Building
c1871

Buckley's Bldng
1897/

Johnson Bldng
1890

Roy Building
1897/1919/1928

D'Allaird Building
c1950s

Elizabeth Pacey



From: Jill Grant <Jill.Grant@Dal.Ca>
Sent: Thursday, November 19, 2015 10:25 AM
To: Office of the Legislative Counsel; Minister of Communities, Culture & Heritage
Subject: Heritage act

I am writing to voice my concern over proposed amendments to the Heritage Act. Nova Scotia has established an international reputation as a tourism destination in large part due to our valued and protected architectural heritage. At present, this heritage is threatened by short-sighted redevelopment pressures. Anything that makes it easier to delist properties or otherwise undermine the integrity of heritage districts will have negative long-term effects on the beauty of our communities and our ability to tell future generations our own stories.

I urge the government to reconsider the proposed amendments.

Sincerely,

Jill Grant, School of Planning, Dalhousie University

Jill.Grant@dal.ca

From: Shannon Donovan <[REDACTED]>
Sent: Thursday, November 19, 2015 8:46 AM
To: Minister of Communities, Culture & Heritage; Office of the Legislative Counsel; Ben Jessome
Subject: Bill 118

Good Morning Hon. Tony Ince, Hon. Diana C. Whalen and Mr. Ben Jessome,

As a resident and tax payer of HRM, I would like to voice my concerns regarding **Bill 118**, amendments to the **Heritage Property Act**, and the destruction of well-loved registered heritage properties.

I do not agree with the changes to the heritage property laws that will easily allow a building to be deleted from the list of protected heritage properties in Nova Scotia. **Registration or deregistration should be based on the historic and architectural merits of the properties, not on the financial situation of the current owners!**

Municipal heritage properties in heritage conservation districts should be permanently protected.

And I believe it is only fair that **a hearing should be necessary to deregister part of a property since it is necessary to register it.**

Some argue that buildings cost too much to repair and I have concerns regarding some taking advantage of demolition by neglect.

The principal aims of the Heritage Property Program are/were to:

- *Recognize significant heritage resources, especially through registration on the Municipal Registry of Heritage Properties and the designation of heritage conservation districts;*
- *Provide conservation advice and information on heritage properties;*
- *Facilitate the ongoing maintenance, preservation, restoration, and the reuse/rehabilitation of heritage properties through financial incentives and the administration of provincial and municipal regulation.*

Rules were originally put in place to ensure that registered properties were not negatively affected or destroyed. Does new development overrule the importance of saving our registered historic architecture for future generations?

We conserve our heritage properties to:

- *enhance our quality of life and sense of history, community and identity;*
- *improve our economic well-being by employing local craftspeople and trades people related to conservation;*
- *add diversity and character to new development;*
- *contribute to sustainability by reducing landfill waste, and lessening the demand for energy and resources needed for new construction.*

Recognition - A plaque is installed to officially recognize the property as an important asset to the rich cultural heritage of the community and region.

A thought for consideration:

Over 22 million tourists visited Paris in 2014 - how many do you think travel to visit the metal and glass business district? Very few. Most tourists visit places for the attractions and sites, including the unique history and architecture. Do you take photographs of beautiful or unique buildings when you travel? Why is that?

So much can be done in this city to promote our history and showcase the beautiful old architecture, some of which survived the Halifax explosion. The city should consider promoting the history behind some of the lesser known properties to tourists to generate revenue (i.e. walking tour maps of heritage buildings and include the history).

Other cities in the world promote everything they have to offer to tourists. Halifax has so much! It is one of the oldest cities in North America! Our heritage properties should be of concern to Canada in general; not just Nova Scotia. I would suggest requesting federal funding from the new Liberal government to provide subsidies for maintenance for heritage property owners.

Some believe that progress equals destroying the old. But what does that say? History is not important? History should be forgotten? Progress does need to be made and certain areas do need to be updated and revitalized but this can be done without demolishing historic buildings, which are registered heritage properties for a reason. I'm sure that many developers would be willing to compromise to maintain the heritage of the city.

Please do not allow this bill to pass. We have already lost many historic buildings to demolition for development. You have the opportunity to save them for the next generation. Please do so.

Thank you so much for your time.

Sincerely,

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Shannon Donovan

From: William Breckenridge, IC <[REDACTED]>
Sent: Wednesday, November 18, 2015 9:36 PM
To: Barrett, Kevin L; labi@labimla.ca; Minister of Communities, Culture & Heritage; Office of the Legislative Counsel
Subject: Heritage Act Changes

Hi

I am the Vice Chair for the Schmidville Stakeholders Committee. Halifax is in the process of trying to make Schmidville into a heritage district (Bill 118). However, the changes to the Heritage Act would make doing so useless.

I am 31 and Schmidville is my home and my families home for generations. I want future generations to have the enjoyment I have but if the rest of Schmidville is demolished, as happened in the 1960s this will not occur.

What shapes a person more living in a concrete world or enjoying grandmas baking in her historic home?

Please read below explanation given to me:

"9 Subsection 19B(1) of Chapter 199 is repealed and the following subsection substituted:

(1) Where a heritage conservation district is established, the district is subject to Section 17 and to the conditions prescribed by the regulations.

Under the current Heritage Property Act, a municipality can create policy in an HCD Plan and Bylaw that could lead to a refusal of a demolition or substantial alteration application. If the above provision is adopted, it means that a municipality would not be able to create policy that could lead to a refusal of a demolition or substantial alteration application. All applications to demolish or substantially alter a historic building within an HCD, including registered municipal heritage properties, would be subject to a three year delay only after which the demolition or substantial alteration could proceed within the fourth year.

When we surveyed the public on this matter, 68% of respondents were in favour of the municipality refusing demolition or substantial alteration applications if deemed inappropriate for the Schmidville HCD. 58% of respondents residing, operating a business or owning a property within Schmidville felt the same way. Therefore, the above provision may not only negatively impact heritage value and character within HCDs but also the expressed interests of the majority of the public and the community of Schmidville.

Sent from AOL Mobile Mail

From: Jane Nicholson <jane@mrsnicholson.com>
Sent: Wednesday, November 18, 2015 5:36 PM
To: Office of the Legislative Counsel
Subject: NICHOLSON re concerns with Bill 118 - Amendments to the Heritage Property Act.

Dear Ms. Whalen:

As a two-time Nova Scotia Heritage Trust award winner for my heritage restoration work in Annapolis Royal, I am deeply concerned with Bill 118 – Amendments to the Heritage Property Act.

I live in the town that is the birthplace of European settlement in North America. Champlain sailed into the Annapolis River Basin in 1604. Annapolis Royal has survived for 410 years, and in the last 40 years, its economic development has largely relied on tourism....and those tourists have been drawn largely by our heritage.

Annapolis Royal is home to two National Historic sites and a National Historic District. It has the highest concentration of heritage buildings per capita in Canada. Its buildings need protection, because its buildings are the basis of its economy.

I believe that several of the amendments proposed in Bill 118 will be detrimental to Annapolis Royal. Clauses 1, 3 and 8 will make it much easier to delete a building from the list of protected historic properties in Nova Scotia on the basis of “undue hardship”. Under Bill 118, who will determine “undue hardship” and how? What is “undue hardship” for a poor congregation which cannot save its church is one thing...but what is “undue hardship” for the guy who wants to sell his house to the business next door so the owner can have a bigger parking lot? The idea just doesn’t scale.

I understand the Government also wishes to delete Section 19B(b) which currently gives permanent protection to municipally-registered heritage buildings in conservation districts. You could wipe out the whole main street of Annapolis Royal with this amendment.

The One Nova Scotia Report talks about how Nova Scotians can “step up” to enhance our province’s economy. Those of us who own, or work to protect, heritage buildings have been “stepping up” for years. I believe heritage plays a critical role in the modern Nova Scotia economy. It’s good business in a world that craves charm and character, so why undermine it with these amendments?

I urge you to put heritage first for the good of our province and re-consider Clauses 1, 2, 3 and 7, 8 and 9 in Bill 118, amendments to the Heritage Property Act.

Sincerely,

Jane Nicholson
Mrs. Nicholson Inc.
www.mrsnicholson.com

From: Peggy Cameron <[REDACTED]>
Sent: Friday, November 20, 2015 12:39 AM
To: Minister of Communities, Culture & Heritage
Cc: maureen macdonald; Office of the Legislative Counsel
Subject: Revised: Bill 118-Pulling Teeth Out One at a Time

Revised: Please note that I have revised this letter.

Hon. Tony Ince, Minister of Communities, Culture and Heritage:
Minister Diana Whalen, Chair and Members of Law Amendments Committee

Re: Bill 118-Pulling Teeth Out One at a Time

I write to express my concern about the changes to Heritage Protection proposed in Bill 118. It is a mistake to make it easier to remove designated heritage properties from protection and it is a mistake to make it possible to repeal permanent protection from properties in municipal heritage properties in heritage conservation districts. Without the provision to ensure that designated conservation districts are protected the potential to remove a single property would threaten the entire district. As well, investments made by municipalities in these properties would not be protected.

Pulling Teeth Out One at a Time

Destroying Heritage Properties is like pulling teeth out one at a time- they may or may not be replaced and the gap or the replacement if it happens is unlikely to be as well suited as the original. As an example there are 20+ blocks of empty space in downtown Halifax used as surface parking lots. These were almost all occupied by existing buildings that were torn down but have never been replaced. This has depopulated the downtown of people, commercial businesses, industry and retail and has diminished its economic viability, livability and interest for residents and visitors.

Existing Built Environment and Climate Change

Preservation of existing buildings plays an important role in reducing greenhouse gas emissions. When we destroy existing buildings we are being environmentally irresponsible. Destroying buildings produced GHG emissions associated with demolition, transportation and waste. Further it can take a new energy efficient building 10 to 80 years to compensate for the production of greenhouse gas emissions associated with materials extraction, fabrication, construction and waste.

For details see: Sustainable Preservation: Greening Existing Buildings.

<https://nextcity.org/daily/entry/preservation-sustainable-cities-un-sdgs>

Heritage and Economic Viability:

The mixed-style, small-scale, multipurpose and historic character that much of Nova Scotia has is exactly what keeps it interesting, livable and economically viable. For proof beyond my opinion I draw your attention to Older, Smaller, Better, a 2014 report by The Preservation Green Lab. It provides the most complete empirical validation to date that neighbourhoods with a mix of older, smaller buildings of diverse age support greater levels of economic and social activity than areas dominated by newer, larger buildings. Tested against 40 economic, social, cultural, and environmental performance metrics, the findings support the idea that retaining blocks of older, smaller, mixed-vintage buildings can help cities achieve sustainable development goals and foster great neighbourhoods.

For details see:

http://www.preservationnation.org/information-center/sustainable-communities/green-lab/oldersmallerbetter/report/NTHP_PGL_OlderSmallerBetter_ExecSummary.pdf

Ensure Longterm Protection of Heritage Buildings

Nova Scotia does little enough to ensure that its heritage buildings remain and are maintained. These buildings are some of the oldest and most interesting and important representations of our local and of our national historical, cultural and social artifacts. Please do not further undermine the importance of the existing legislation for the protection it does.

Yours truly,

Peggy Cameron
Halifax, NS

From: jordan zukowski [REDACTED]
Sent: Thursday, November 19, 2015 2:59 PM
To: Minister of Communities, Culture & Heritage; Office of the Legislative Counsel; Minister, Internal Services
Subject: Proposed Changes to NS Heritage Properties Act

Hon. Labi Kousoulis, Hon. Tony Ince & Hon. Diana C. Whalen,

I am writing to you today regarding Bill 118 which proposes amendments to the Heritage Properties Act.

If passed, this legislation will weaken the protection of valuable heritage properties within the province. In order to preserve our diverse history and culture we should encourage the listing of an increased amount of heritage properties within the province, rather than encouraging deregistration.

Clauses 1,3 and 8 of Bill 118 will make it easier to remove a heritage building from the listing due to 'hardship to the owner.' However, the registration of a heritage building should be based on architectural significance, not an owners financial difficulty. Additionally clause 9 will repeal permanent protection of municipal heritage properties in conservation districts, weakening the protection in neighbourhood areas such as Barrington Street in Halifax. Finally, clauses 2 and 7 will also make it easier to deregister parts of heritage properties. As a hearing is necessary to designate a heritage property, deregistering it should also involve a mandatory hearing.

Please consider the significant alterations that Bill 118 will make to the Heritage Properties Act in terms of weakening heritage protection within the province as Bill 118 goes to the Law Amendments Committee on Monday November 23.

Thank you for your time,

Jordan Zukowski, B.Sc
Master's of Planning (2017 Candidate)
Teaching Assistant- College of Sustainability
Dalhousie University

From: Lystra Gosine [REDACTED]
Sent: Friday, November 20, 2015 1:40 AM
To: Minister of Communities, Culture & Heritage; Office of the Legislative Counsel; Minister, Internal Services
Cc: communications@htns.ca
Subject: Heritage Property Act

Hon. Tony Ince
Hon. Diana Whalen
Hon. Labi Kousoulis

It is with regret that we note the current Liberal government's intention to dilute the provisions of the Heritage Property Act. The historic architectural buildings are fast being reduced to rubble and replaced with glass and concrete monstrosities. It does the government no credit to be pursuing a course in which it becomes easier to demolish the built Heritage of Nova Scotia. The example of Prague in Europe and Quebec City in Canada, who have preserved the historic built cores deserve emulation and the departure from the principles that motivate them to preserve their historic architectural buildings should followed. Indeed the Heritage Property Act should be strengthened not weakened in order to maintain the streetscapes of Nova Scotia and preserve the character of cities and towns.

As former owners of Caldwell Hill House, which our son now occupies with his family, a historic building constructed for the first elected mayor of Halifax, on which we spent hundreds of thousands of dollars in exterior and interior improvements with negligible help from government, it is with distaste and concern we note the direction of current Liberal government policies. It is not for this type of legislation and activity that we voted the government in. The current policies which favour demolition and development of our buildings reflect poorly on the government. Had we wished to live in a concrete jungle we could have very easily relocated to Manhattan.

It is a shortsighted tax grab in the interest of the economy, to engage in the course of conduct you now pursue. The Federal Liberal government much vaunted policy that we can do better fails at the hands of their provincial Liberal counterparts. Indeed, on the whole, the current provincial Liberal government policies leave much to be desired.

We trust you will reconsider the amendments you contemplate and instead replace the provisions with more stringent ones.

Yours sincerely,

Chandrashakhar Gosine, BA, ALA, LLB

Lystra Dayal-Gosine, MD, FRCSC Ophthalmology

[REDACTED]
Halifax



Kings Historical Society
Kings County Museum
37 Cornwallis Street
Kentville, Nova Scotia
B4N 2E2

www.kingscountymuseum.ca
curator@kingscountymuseum.ca

November 20, 2015

Att: Hon. Tony Ince,
Minister of Communities, Culture and Heritage

I am writing as the owner of a historic home, a community museum curator, a member of the Heritage Trust of Nova Scotia, and a disappointed citizen. I would like to express deep concern over the introduction of Bill 118 and how it will seriously weaken the protection of heritage buildings in Nova Scotia.

My understanding is that the proposed changes to the Heritage Property Act will result in the following problems:

- 1. Clauses 1, 3 and 8 of Bill 118 will make it much easier to delete a building from the list of protected heritage properties in Nova Scotia. Registration or deregistration should be based on the historic and architectural merits of the properties, NOT on the financial situation of the owners.**
- 2. Clause 9 of the Bill will repeal the permanent protection for municipal heritage properties in heritage conservation districts.**
- 3. Clauses 2 and 7 will make it easier to deregister parts of heritage properties.**

I live and work in Kings County Nova Scotia where we have lost too many historic buildings in recent years, including the Christie House a registered historic property in Wolfville just this past month. So much of what makes Nova Scotia unique and a joy to live in, or visit, are the buildings which reflect our history. Tourists come to Nova Scotia to see our lovely old towns and cities and if we demolish all of the older buildings and replace them with boxes we, as a community, lose a lot of the charm, which sets us apart in the first place. We need stronger legislation not weaker!

Our built heritage represents all aspects of the man-made historic environment from domestic to industrial from monumental to modest it represents a tangible physical link with the past and reflects our current cultural identity. What we preserve, and how we preserve it, will be our legacy to future generations.

Sincerely,

Bria Stokesbury, Curator

cc. Hon Diana C Whalen, Chair, and Members of the Law Amendments

cc. John Lohr, MLA, Kings North

From: Wendy Elliott [REDACTED]
Sent: Friday, November 20, 2015 10:05 AM
To: Office of the Legislative Counsel
Cc: Minister of Communities, Culture & Heritage; Keith Irving
Subject: Bill 118 - lost too many already...

Dear Ministers Tony Ince and Diana Whalen,

Please don't make it easier to deregister designated heritage properties. They simply get demolished.

The bottom photo of the Christie house shows a circa 1860 house on Main Street that was just torn down by Acadia University.

As a member of the Wolfville Historical Society and the Heritage Trust of Nova Scotia, I beg you to take a sober second look at this amendment.

Sincerely,
Wendy Elliott

Wendy Elliott

[REDACTED], Wolfville Nova Scotia, Canada [REDACTED]

Voice/Fax (902) [REDACTED]

Mobile: (902) [REDACTED]





From: Carol Anne Janzen <carol.anne.janzen@acadiau.ca>
Sent: Friday, November 20, 2015 2:10 PM
To: Minister of Communities, Culture & Heritage; Office of the Legislative Counsel;
johnlohrmla@gmail.com
Subject: Bill 118

Dear NS Representatives,

I am writing to express my dismay at the weakening of protection for our visible cultural heritage, specifically so-called heritage properties, by the proposed Bill 118.

As a long-time resident in one of the oldest provinces in Canada, as the owner of a 200+-year-old home, and as the holder of two degrees in Canadian colonial history, I am constantly reminded of the debt and benefits we owe to previous generations. We lose this understanding to our loss, especially since our own society is becoming increasingly removed and disconnected from its roots.

As we in the West watch in horror at the desecration and destruction of ancient cultural and architectural sites in the Middle and Far East by fanatics, we would be wise to consider our own preservation of those sites which contribute to our identity as Canadians. I strongly agree with those who believe that we need visible reminders of how we came to be where we are now.

Please reconsider Bill 118, which will weaken protection for our visible Maritime heritage.

Regards,
Carol Anne Janzen

Carol Anne Janzen, Ph.D.
Assistant Professor of Practical Theology, Dean of Students
Director, Taylor Centre for Chaplaincy and Spiritual Care
Director, Mentored Ministry
Acadia Divinity College, Acadia University
Wolfville, NS Canada
carol.anne.janzen@acadiau.ca
902-585-2230

From: Margaret herdman <[REDACTED]>
Sent: Friday, November 20, 2015 7:38 PM
To: Office of the Legislative Counsel
Subject: Heritage Property Act Amendments

Hon. Diana C Whalen,
Chair,
Law Amendments Committee

Dear Ms Whalen:

It is with regret that I have read about the new Bill 118 amendments to the Heritage Property Act. Changes have been made that will seriously weaken the protection of heritage buildings in the province of Nova Scotia. Why would registration or deregistration be based on the financial situation of the owners rather than on the historic and architectural merits of the property? These changes are contained in clauses 1, 3 and 8.

Another concern that I have is how the conservation districts are being handled. Rules are being replaced by non-specific regulations. Since these regulations can be changed with no public notice and no public input, protection for these properties would no longer be permanent. Why is it necessary to relax these rules?

Why is it acceptable, when seeking approval for alterations of provincial heritage properties, to move from Council approval to minister approval? It would seem that there will be much less openness and a lower priority, less transparency.

"A house comes with responsibilities, and a historic house comes with more responsibilities. We are only the caretakers of these houses, which were here before we owned them and which will be here after we are gone. They contain the wood from the old-growth forests, they are monuments to the skill of those who labored to build them, they represent our cultural heritage."

— Jane Powell

I thank you for your attention to this matter.

Sincerely,

Margaret Herdman

From: Amherst Heritage Trust Inc. <amherstheritagetrust@hotmail.com>
Sent: Friday, November 20, 2015 8:00 PM
To: Office of the Legislative Counsel
Subject: Opposition to Bill 118

To whom it may concern,

This is Justin Helm president of the Amherst Heritage Trust writing on behalf of Amherst Heritage Trust to express our opposition to **Bill 118** amendments to the **Heritage Property Act**. As you know this bill would significantly reduce the protection currently being offered to historic buildings. Historic buildings are already under threat as it is. Our shared heritage is under threat and is on the verge of becoming an endangered species. We need to fight to save what little is left, not weaken legislation so it is even easier to destroy.

Sincerely,



Justin Helm
President & Founder
Amherst Heritage Trust
902-660-2817
amherstheritagetrust@hotmail.com

From: Nora and Judith Peach <[REDACTED]>
Sent: Saturday, November 21, 2015 8:32 PM
To: Minister of Communities, Culture & Heritage; Office of the Legislative Counsel; Stephen McNeil
Subject: Heritage Property Act Amendments

I'm concerned about the proposed amendments to Bill 118, the Heritage Property Act.

The protection of heritage properties is weak enough as it is and should be strengthened as much as possible.

I disagree with the amendments (clauses 1,2,3,7,8,9) that will make it easier to delete a property from the list of heritage properties in Nova Scotia (municipal or provincial) including those in conservation districts.

I agree with the amendment that creates cultural landscapes as a type of municipal heritage property.

I also agree with adopting the federal Standards and Guidelines for the Conservation of Historic Places in Canada, for Nova Scotia.

Sincerely,

Nora Tomlinson Peach
member and founding president of the Clements Historical Society Clementsport, Nova Scotia

From: Charlotte MacQuarrie <[REDACTED]>
Sent: Monday, November 23, 2015 10:00 AM
To: cch
Cc: Office of the Legislative Counsel; Lenore Zann
Subject: Heritage Trust NOTICE to MEMBERS NOV 18 2015 Heritage Act.doc

Hon. Tony Ince, Minister of Communities, Culture and Heritage

Hon. Diana C. Whalen, Chair, and Members of the Law Amendments Committee

Lenore Zann, NDP member of the Nova Scotia Legislature

Dear Respected Representatives of the Nova Scotia Legislature,

As a long standing volunteer citizen of Truro, actively promoting heritage for over twenty years, watching with pride the progress made in heritage preservation in both our town and province, I am sadly dismayed at the new proposed legislation, undoing all that has been accomplished in saving our unique and precious heritage buildings .

My past involvement as Chair of the Town of Truro Heritage Advisory Committee was during the designation of Truro's Heritage Districts, many Victorian municipal homes, and the provincial designation of First United Church, currently under a two million dollar restoration, and the Provincial Normal College, now being sensitively restored for the new regional library.

Your government's proposed amendments to the Heritage Property Act in Bill 118 would seriously threaten our designated heritage, a most important aspect in our town's character.

I most seriously support the submission of the President of Heritage Trust of Nova Scotia, Mr Joe Ballard, and his organization, in opposing your proposed legislation which would weaken

Sincerely,

Charlotte MacQuarrie

From: Creighton Barrett <[REDACTED]>
Sent: Sunday, November 22, 2015 11:23 AM
To: Minister of Communities, Culture & Heritage; Office of the Legislative Counsel;
mmacdonald@navnet.net
Subject: Do not weaken the Heritage Property Act

Dear Hon. Tony Ince, Minister of Communities, Culture and Heritage,

I am writing express my opposition to planned changes to the Heritage Property Act that are to be discussed before the Law Amendments Committee on November 23. In particular, I am concerned about the following changes:

1. Clauses 1, 3 and 8 of Bill 118 will make it much easier to delete a building from the list of protected heritage properties in Nova Scotia. The clauses will allow deregistration of heritage properties on the basis of "significant financial difficulties" or "undue hardship to the owner." This wording is subjective and open-ended. Who will define "undue hardship?" This kind of vague language will privilege wealthy and resourceful developers and municipal governments who can easily navigate the deregulation process. Registration or deregistration should be based on the historic and architectural merits of the properties, NOT on the financial situation of the property owners.
2. Clause 9 of the Bill will repeal the permanent protection for municipal heritage properties in heritage conservation districts. I understand that the proposes changes will eliminate Section 19B(1)(b) of the Heritage Property Act. Municipal heritage properties in conservation districts will no longer have permanent protection; an owner, who applied to demolish a heritage building, could carry out the demolition three years later, unless the municipality bought the property or entered into an agreement. Several municipalities have established Heritage Conservation Districts to protect their heritage neighbourhoods. This change will weaken these special districts.
3. Clauses 2 and 7 will make it easier to deregister parts of heritage properties. Since a hearing is necessary to register a municipal heritage property, a hearing should also be necessary to deregister part of the property. Otherwise properties can be deregistered without public knowledge.

Again, I feel that these changes will unfairly privilege wealthy developers and municipal governments who may find heritage registration a burden and who may seek to use these "streamlined" changes to deregister and demolish heritage properties across the province.

We need stronger heritage legislation, not weaker legislation. I fully support modernization of heritage protection and hope that your team is looking at the world's strongest and most responsive legislation for inspiration. We need creative ideas and we need those Toronto ad executives to use our build landscape to help make our province a destination. Please, do not make it easier to register properties simply because developers don't want to bother with the additional costs of owning and maintaining a heritage property.

Respectfully,

Creighton Barrett
Livingstone Place, Halifax

cc.

Hon. Diana C. Whalen, Chair, and Members of the Law Amendments Committee
Maureen MacDonald, MLA Halifax Needham

From: Andrea Arbic [REDACTED]
Sent: Monday, November 23, 2015 2:09 PM
To: Minister of Communities, Culture & Heritage; Office of the Legislative Counsel
Subject: Changes to the Heritage Property Act

Dear Minister Ince and Ms. Whalen. I am writing to you in your role of Minister of Minister of Communities Culture and Heritage and Chair of the Law Amendments Committee, respectively.

I understand that the government is considering a number of changes to the Heritage Property Act, several of which I have serious concerns about. Namely:

1. **Changes to clauses 1, 3 and 8 of Bill 118, which would make it much easier to delete a building from the lists of protected heritage properties in Nova Scotia.** The clauses would allow deregistration of heritage properties on the basis of "significant financial difficulties" or "undue hardship to the owner."

As we have seen in the past, some owners of heritage buildings deliberately allow them to deteriorate and then claim they can't afford to fix them up, which they then use as justification for tearing them down. The proposed wording change will open the door wider to this type of type of abuse. Registration or deregistration should be based on the historic and architectural merits of the properties, not on the financial situations of the owners. If owners find themselves in financial difficulties, they have the option of selling the building. Deregistering a building wouldn't solve the owners' financial difficulties, so these two things should not be connected.

2. **Clause 9 of the Bill would repeal the permanent protection for municipal heritage properties in heritage conservation districts.**

. This would be a seriously regressive step. We should be looking at ways of increasing the protection of our heritage districts, not weakening it. One of the most important assets this province has is our heritage building stock. It is one of the defining features of our province. If we lose it, we will have lost a major part of the character that makes us what we are and attracts tourists to this province. People don't come here to see Purdy's Wharf, Waterfront Place or King's Landing – they can see buildings just like that in Toronto, Calgary and Vancouver. But those cities don't have a Barrington St. or a Schmidville. We do and we should do whatever we can to protect them and other heritage districts across this province.

3. **Clauses 2 and 7 would make it easier to deregister parts of heritage properties.** Again, we should be making it harder, not easier to deregister heritage buildings. Progressive jurisdictions around the world have come to recognize the social, environmental and economic importance of heritage buildings and they have seen heritage properties as an asset on which to build, not a hindrance to "progress." I have visited many cities that are a lot older than the ones we have here in Nova Scotia and they manage to protect their built heritage while still having modern, successful economies. If cities like Paris, Bologna, Charleston and Savannah, and countries like England, Ireland and Scotland, can marry heritage preservation and modern economies, why can't Nova Scotia? Do we simply lack the will, the vision?

Any changes to the heritage property act that would weaken the protection of heritage buildings and districts in Nova Scotia would be a deeply regressive move. There are few things that would seem to run as directly counter to the findings of the Ivany report than this. We don't have as much oil and gas as the western provinces do and we don't have a manufacturing sector that is as big as in Ontario and Quebec, but what we do have is in this province is cultural and natural landscape that can't be seen anywhere else in Canada. If we allow it to be destroyed, we still won't have as

much oil as the West and as much manufacturing as central Canada, and we also won't have the built heritage that attracts people to visit and move to this province.

I respectfully urge you not to weaken the protection for heritage in this province. In fact, I believe you would demonstrate leadership and vision by strengthening the protection of built heritage in this province.

Sincerely,

Andrea Arbic, Halifax



This email has been checked for viruses by Avast antivirus software.

www.avast.com

From: REY DE BOER <[REDACTED]>
Sent: Tuesday, November 24, 2015 12:13 PM
To: Minister of Communities, Culture & Heritage; Office of the Legislative Counsel;
chuck@chuckporter.ca
Subject: Opposition to proposed changes to the Heritage Property Act.

Good afternoon, Mr Ince, Ms. Whalen, and Mr. Porter,

It has come to my attention that the Province of Nova Scotia is proposing to weaken the laws pertaining to heritage properties. Below is the information provided by John Ballard of the Heritage Trust of Nova Scotia that I received via email chain.

I strongly oppose any weakening of these laws and ask that all of you reconsider the changes as they will impact ours, and future generations's heritage.

Here is a summary of the changes proposed which will weaken the heritage property laws in Nova Scotia:

1. **Clauses 1, 3 and 8 of Bill 118 will make it much easier to delete a building from the list of protected heritage properties in Nova Scotia.** The clauses will allow deregistration of heritage properties on the basis of "significant financial difficulties" or "undue hardship to the owner". This wording is subjective and open-ended. Who will define "undue hardship?" **Registration or deregistration should be based on the historic and architectural merits of the properties, NOT on the financial situation of the owners.**
2. **Clause 9 of the Bill will repeal the permanent protection for municipal heritage properties in heritage conservation districts.** The government proposes to eliminate Section 19B(1)(b) of the Heritage Property Act. Municipal heritage properties in conservation districts will no longer have permanent protection; an owner, who applied to demolish a heritage building, could carry out the demolition three years later, unless the municipality bought the property or entered into an agreement. Several municipalities have established Heritage Conservation Districts to protect their heritage neighbourhoods. This change will weaken these special districts.
3. **Clauses 2 and 7 will make it easier to deregister parts of heritage properties.** Since a hearing is necessary to register a municipal heritage property, a hearing should also be necessary to deregister part of the property. Otherwise properties can be deregistered without public knowledge.

Thank you for your consideration in this matter.

Rey de Boer

1-902-[REDACTED]

Member of the Board of the Industrial Heritage Society of Nova Scotia

From: Adrian Morrison [REDACTED]
Sent: Tuesday, November 24, 2015 2:01 PM
To: Minister of Communities, Culture & Heritage; Office of the Legislative Counsel
Subject: Bill 118

To Whom It May Concern:

I am writing to express concern over the introduction of Bill 118, which will make amendments to the Heritage Property Act. As a PhD candidate whose work supports innovation within the heritage sector, and as a resident of Nova Scotia, I deeply believe in the importance of our built landscapes. Our historic properties are non renewable resources and it is important that we preserve them for future generations. Instead of degrading our historic buildings for short-term gain, we should look at those who have capitalized on them; such are our neighbours in Newfoundland, who have used their heritage to develop a billion dollar tourism industry. I believe that heritage regulations should be strengthened, not weakened, and with that in mind I sincerely oppose Bill 118.

Thanks you for your time,

Adrian Morrison

From: Judith Fingard [REDACTED]
Sent: Monday, November 30, 2015 4:11 AM
To: Minister of Communities, Culture & Heritage; Office of the Legislative Counsel;
mmacdonald@navnet.net
Subject: Bill 118

Dear Minister of ...Heritage, Chair and Members of the Law Amendments Committee, and my MLA, I am writing from London, UK, where heritage is appreciated, a far cry from Nova Scotia where Bill 118 aims to undermine protections for heritage properties, thereby jeopardising once again, and probably more seriously than ever, what is left of the structures and vistas of our historical birthright. As a professional historian, I find it inconceivable that our past is being squandered to satisfy the greed of developers. Government is supposed to be acting in the interests of all the people, not just those of a few selfish investors who acquire properties, let them run down and then cry poor when their maintenance requires expenditure. In the few genuine cases of need, the government should be stepping in to enable owners to preserve heritage properties.

I respectfully request that the Legislature demonstrate leadership, show a sense of proportion and protect the things that matter as part of our identity.

Judith Fingard, PhD, FRSC
[REDACTED]

Halifax [REDACTED]

Sent from my iPad

SANDRA L. BARSS
BARRISTER · SOLICITOR · NOTARY PUBLIC

November 30, 2015

VIA FACSIMILE: 902-424-0547

Law Amendments Committee
Province of Nova Scotia
Suite 802
1809 Barrington Street
Halifax, NS B3J 2X1

To Whom It May Concern:

RE: Bill 118
Proposed Amendments to the *Heritage Properties Act*
Hearing Date: Monday, November 30, 2015 at 1:00 p.m.

I write as a citizen concerned about the built heritage of our province and as a member of the Board of Directors of Heritage Trust of Nova Scotia.

I am aware that The Honourable Member Tony Ince presented Bill 118 to the Legislature and that this Bill has passed second reading. I understand that the Bill is now before the Law Amendments Committee for review, discussion and recommendations before being returned to the Legislature for third reading.

Bill 118 proposes five amendments to the *Heritage Property Act* ("the *Act*"). It is the proposal to remove subsection 19B (1)(b) from the *Act* that concerns me. Though I am unable to attend the hearing scheduled for this afternoon, I request that the Committee consider my comments below.

Currently, unless they are within a heritage conservation district, heritage properties in Nova Scotia are protected from alteration and demolition for a period of up to three years through Section 18 of the *Act*, which states:

Consideration by municipality of application to alter or demolish

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 demolition at any time

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Law Amendments Committee
November 30, 2015
Page 2

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. *2010, c. 54, s. 14.*

The provision to establish a municipal heritage district is set out in subsection 19A (1) of the *Act*. Subsection 19A (7) contains specific provisions concerning provincially designated heritage properties contained within the proposed heritage district. Subsection 19A (8) charges the Minister with determining whether a provincial heritage property will be subject to the municipal conservation plan established for the municipal heritage district.

The *Act*, in its current form, provides protection to buildings within municipal heritage districts against demolition or alteration, even if they are not designated as heritage properties, though not to the same extent. Section 19B (1) states:

Consequences of establishing district

19B (1) Where a heritage conservation district is established,

(a) no further building, streetscape or area in the district shall be registered as a municipal heritage property;

(b) **Section 18 does not apply to any municipal heritage property within the district;**
[my emphasis]

(c) the conservation plan and conservation by-law shall include

(i) policies respecting demolition or removal of municipal heritage properties within the district, and

(ii) a requirement that a certificate be issued for demolition or removal of any municipal heritage property within the district; and

(d) notwithstanding clause (c) and for greater certainty, Section 17 continues to apply to a municipal heritage property within the district.

(2) Subject to subsection (1), a municipal heritage property located in a heritage conservation district continues to be a municipal heritage property. *1991, c. 10, s. 4.*

Under subsection 19B (1)(a), other buildings within a heritage conservation district will not be designated as heritage properties. However, those that are heritage buildings continue to have some protection against Section 18 development under the provisions of subsection 19B (1)(b) by virtue of being located within the heritage conservation district.

If subsection 19B (1)(b) is removed from the *Act*, a heritage property located within a

Law Amendments Committee
November 30, 2015
Page 3

municipality's heritage conservation district could 'fall between the cracks' and have no protection against the development permitted under Section 18.

Removing subsection 19B (1)(b) from the *Act* will create a substantial loop-hole through which developers and others can demolish or substantially alter historic properties even though they are located within a municipal heritage district. Such properties would have no protection because they are neither designated heritage properties nor protected because they are situated within a heritage district. I believe this change is contrary to the intent of the existing *Act*.

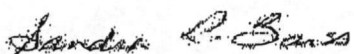
It has been suggested that wording similar to subsection 19B (1)(b) will be placed in the Regulations to this *Act*. With respect, regulations simply do not hold the same import as the legislation to which they apply and are sometimes overlooked completely. It also is more likely that, in the case of a legal challenge where a regulation rather than a statute presents the primary impediment, the applicant will be successful and receive permission to demolish or substantially alter a heritage property.

As well, whereas a statute may be changed only after notice to the Legislature, legislative debate and consultation with the public, a regulation may easily be changed with neither public nor legislative scrutiny. The protection that subsection 19B (1)(b) provides to our built heritage is simply too important to be left to a regulation that can be changed or removed by the stroke of a pen without notice and which could then leave our heritage properties with no protection whatsoever.

I respectfully request that the Law Amendments Committee advise the Minister and the Legislature to reject the request to remove subsection 19B (1)(b) from the *Heritage Property Act*. I request that subsection 19B (1)(b) be retained in the *Heritage Property Act*.

I thank you for your consideration of my submissions. Should you have any questions, please feel free to contact me at: sandra@slblaw.ca, or by telephone: 902-492-2879.

Yours very truly,



SANDRA L. BARSS

cc Nova Scotia Heritage Trust

LAW AMENDMENTS COMMITTEE

Red Room, Province House

Wednesday, December 2, 2015

9:30 a.m.

Bill #112 - Children and Family Services Act (amended)

deferred from previous meeting

Bill #118 - Heritage Property Act (amended)

deferred from previous meeting

Bill #131 - Maintenance and Custody Act (amended)

deferred from previous meeting

Bill #133 - Motor Vehicle Act (amended)

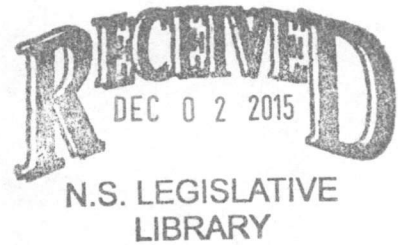
deferred from previous meeting

Bill #134 - Liquor Control Act (amended)

deferred from previous meeting

Bill #136 - Motor Vehicle Act (amended)

deferred from previous meeting



From: Phil Pacey [REDACTED]
Sent: Wednesday, December 02, 2015 8:36 AM
To: Justice Minister; Office of the Legislative Counsel
Cc: Phil Pacey
Subject: Comments on Bill 118, LAC agenda today

Hon Diana C. Whalen, Chair and

Members of the law Amendments Committee

Dear Chair and Committee Members:

Response to the Changes to Bill 118 recommended by the Department:

1. PAGE 1, Clause 1: Good change.
2. PAGE 2, subclause 3(1): Net positive change compared to Bill 118, but negative compared to the present Act. It would allow unspecified extra reasons for provincial deregistration, if the reasons are approved by a future cabinet.
3. PAGE 3, Clause 7: Good change.
4. PAGE 4, Clause 8: Net positive change compared to Bill 118, but negative compared to the present Act. It would allow unspecified extra reasons for municipal deregistration, if the reasons are approved by a future cabinet.
5. PAGE 4, Clause 9: Positive change compared to Bill 118, neutral compared to the present Act. This retains Subsection 19B(1)(b) in the present Act, which allows municipalities to permanently protect municipal heritage properties in conservation districts.
6. PAGE 8, Clause 14: Not a good change. This change would enable a future cabinet to make regulations in matters, including provincial and municipal deregistration, that are now controlled by the Legislature. This is not desirable for the following reasons:

1. An Act has a higher status than regulations.
2. The Act can only be changed by the Legislature, with notice, with the opportunity to be heard and after open debate, whereas regulations can be changed in private.
3. A property owner might find out that a future cabinet had changed the regulations without notice, affecting what the property owner could do with his or her property. A municipality might find out that a future cabinet had changed the regulations without notice, affecting the powers of the municipality.
4. Regulations are more likely to be challenged in court.

Yours sincerely,

Phil Pacey

For Heritage Trust of Nova Scotia

December 2, 2015

Bill #118
Heritage Property Act (amended)

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE
BY THE MINISTER OF COMMUNITIES, CULTURE AND HERITAGE

PAGE 1, Clause 1,

- (a) **paragraph (a), line 2** - add "and" after the semicolon;
- (b) **paragraph (b)** - delete the semicolon and substitute a period;
- (c) **paragraphs (c) and (d)** - delete.

PAGE 2, subclause 3(1),

- (a) **paragraph (b), line 2** - delete "and" the first time it appears and substitute "or";
- (b) **paragraph (c), proposed clause (c)** - delete and substitute the following:
 - (c) the Advisory Council determines that the property meets prescribed criteria to justify deregistration.

PAGE 3, Clause 7, proposed subsection 15A(3), line 3 - add ", and a public hearing has been held by the council to consider the proposed amendment not less than thirty days after a notice of the hearing is served on the registered owner of the property and published in a newspaper circulating in the area" immediately after "reasonable".

PAGE 4, Clause 8, proposed clause 16(1)(c) - delete and substitute the following:

- (c) the council determines that the property meets prescribed criteria to justify deregistration,

PAGE 4, Clause 9 - delete and substitute the following:

9 Clause 19B(1)(c) of Chapter 199 is repealed and the following clause substituted:

- (c) the conservation plan and conservation by-law must include the prescribed policies and prescribed requirements respecting demolition or removal of any municipal heritage property within the district.

PAGE 8, Clause 14 -

- (a) add after proposed clause 26(1)(ai) the following clauses:
 - (aj) prescribing criteria that justify deregistration of a provincial heritage property;
 - (ak) prescribing criteria that justify deregistration of a municipal heritage property;

(al) prescribing policies and requirements respecting demolition or removal of a municipal heritage property within a heritage conservation district;

(b) proposed clauses 26(1)(aj) to (ao) - reletter as (am) to (ar).
