

2018

CHAPTER 12

An Act to amend *The Heritage Property Act*

(Assented to May 30, 2018)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Heritage Property Amendment Act, 2018*.

SS 1979-80, c H-2.2 amended

2 *The Heritage Property Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) by adding the following clause after clause (k):

“(k.01) ‘**ministry**’ means the ministry over which the minister presides”;
and

(b) by repealing clause (o) and substituting the following:

“(o) ‘**review board**’ means the review board mentioned in section 7.6”.

Section 5.1 amended

4 Section 5.1 is amended:

(a) by renumbering it as subsection 5.1(1);

(b) by repealing clause (1)(f); and

(c) by adding the following subsection after subsection (1):

“(2) The purpose of the review board is to review public objections to proposed heritage designations, to proposed repeals of existing designations or to the proposed alteration or demolition of designated property, by convening public hearings and reporting on its findings and recommendations”.

Section 5.3 amended

5 Section 5.3 is amended:

(a) by renumbering it as subsection 5.3(1); and

(b) by adding the following subsection after subsection (1):

“(2) At least 3 persons are to be appointed to the Foundation to fulfil the duties and exercise the powers of the review board”.

Section 5.31 amended

6 Subsection 5.31(1) is amended by striking out “section 5.3” and substituting “subsection 5.3(1) other than those persons mentioned in subsection 5.3(2)”.

New section 6

7 Section 6 is repealed and the following substituted:

“Board procedures

6(1) Subject to the other provisions of this Act, the board may make rules respecting its own procedures.

(2) Subject to subsection (3), a quorum of the board consists of a majority of board members.

(3) For the purposes of undertaking the responsibilities as the geographic names committee, a quorum of the board or, if the board establishes a geographic names committee pursuant to subsection 6.1(1), of the geographic names committee is 3 board members.

(4) Meetings of the board are to be held:

(a) on the initiative of the chairperson and after reasonable notice has been given to the members of the board; or

(b) at any time a majority of the board considers it appropriate or necessary”.

New section 6.1

8 Section 6.1 is repealed and the following substituted:

“Committees of the board

6.1(1) The board may establish any committees of its members that it considers necessary, including a geographic names committee.

(2) The board may establish one or more advisory committees and appoint any person to be a member of any advisory committee”.

Section 6.3 repealed

9 Section 6.3 is repealed.

New Part II.3

10 The following Part is added after Part II.2:

**“PART II.3
Review Board**

“Review board

7.6(1) The review board consists of the persons mentioned in subsection 5.3(2).

(2) The members of the review board are solely responsible to do the things mentioned in subsection 5.1(2) and shall refrain from taking part in any of the Foundation’s other affairs or business and from asking for or obtaining any information from the other members of the Foundation respecting any of the Foundation’s other affairs and business or the exercise of any of the Foundation’s powers.

(3) A member of the Foundation who is not a member of the review board shall not do any of the things mentioned in subsection 5.1(2) and shall not communicate any information respecting any of the Foundation's other affairs and business or the exercise of any of the Foundation's powers to a member of the review board.

(4) The members of the review board may appoint one of their members as chairperson of the review board.

“Responsibilities and powers of the review board

7.7(1) Subject to the other provisions of this Act and to the regulations, the review board shall:

(a) report on its findings and recommendations as required by this Act; and

(b) fulfil any responsibilities imposed on it by this Act and the regulations.

(2) The review board may exercise any powers given to it pursuant to this Act and any other powers that are ancillary to meeting its responsibilities.

(3) Each member of the review board has the powers conferred on a commission by sections 11 and 15 of *The Public Inquiries Act, 2013*.

(4) The review board may:

(a) engage the services of any legal counsel, consultant, technical adviser or administrative support that it considers appropriate to assist the review board in carrying out its responsibilities; and

(b) pay any fees and expenses that it considers appropriate to the legal counsel, consultant, technical adviser or administrative support engaged pursuant to clause (a)”.

New section 14

11 Section 14 is repealed and the following substituted:

“General rules for hearing before the review board

14(1) If a matter is referred to the review board pursuant to this Act, the review board shall, as soon as is practicable, hold a public hearing to consider the matter.

(2) Subject to the regulations, the review board may conduct the hearing mentioned in subsection (1) in any manner that it considers appropriate.

(3) The council, the applicant and any other person that the review board may specify are parties to the public hearing and are entitled to notice of the hearing.

(4) The review board shall:

(a) determine the place in the municipality where the hearing will be held; and

(b) publish, at least 10 days before the date of the hearing, the date, time and location of the hearing in a newspaper having general circulation in the municipality and on the ministry's website and make the date, time and location of the hearing available to the public in any other manner the review board considers appropriate.

- (5) The review board shall keep any records that it considers necessary for the proper conduct of a hearing.
- (6) A party to a hearing has the right to be heard by the review board and to present evidence and may be represented by counsel or an agent.
- (7) At a hearing, the review board is not bound by the rules of evidence, but may receive and accept any evidence that the review board considers appropriate”.

New sections 50.1 and 50.2

12 The following sections are added after section 50:

“Application to amend designation

50.1(1) An owner of property designated pursuant to this Part may apply to the minister in writing on a form provided by the minister to amend either or both of the following:

- (a) the name of the property on the designation order;
- (b) the legal description of the property on the designation order.

(2) The minister shall consider an application pursuant to subsection (1) and within 60 days after the receipt of the application, the minister may:

- (a) subject to section 50.2, refuse the amendment if the minister is satisfied that the proposed change is likely to adversely affect the purpose for which the property was originally designated; or
- (b) if the owner provides evidence to satisfy the minister that the proposed change will not adversely affect the purpose for which the property was originally designated, by order, amend the designation order subject to any terms and conditions the minister considers advisable.

(3) The minister shall give written notice of his or her decision pursuant to subsection (2), including reasons for the decision, to the property owner.

(4) If the minister orders pursuant to subsection (2) that the information on the designation order be amended, the minister shall:

- (a) in the case of real property:
 - (i) discharge the existing interest registered against the title of the affected property; and
 - (ii) register a new interest based on the order in the Land Titles Registry; and
- (b) cause his or her order to be published in the Gazette.

(5) Before making a decision pursuant to subsection (2), the minister may consult with either or both the Foundation and the council of the municipality in which the designated property is situated.

“Hearing before review board

50.2(1) If the minister refuses an application made pursuant to section 50.1, the property owner may, within 30 days after receipt of the notice pursuant to that section, submit an application in writing to the minister requiring the minister to refer the matter to the review board.

(2) On receipt of an application to refer the matter to the review board pursuant to subsection (1), the minister shall refer the matter to the review board for a hearing and report.

(3) Sections 14 and 15 apply, with any necessary modification, to a hearing pursuant to this section.

(4) After considering the report mentioned in subsection (2), the minister shall, without a further hearing:

(a) refuse the application; or

(b) by order, allow the application and order the designation of the property to be amended, subject to any terms and conditions the minister considers appropriate.

(5) The minister shall give written notice of his or her decision pursuant to subsection (4), including reasons for the decision, to the property owner.

(6) A decision of the minister pursuant to this section is final”.

Coming into force

13 This Act comes into force on proclamation.

