

The Heritage Property Act

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Chapter H-2.2* of the *Statutes of Saskatchewan, 1979-80* (effective November 28, 1980) as amended by the *Statutes of Saskatchewan, 1980-81, c.76 and 83; 1982-83, c.35; 1983, c.77; 1983-84, c.39 and 49; 1988-89, c.55; 1989-90, c.15 and c.54; 1993, c.26; 1996, c.32; 1998, c.P-42.1; 2000, c.L-5.1; 2001, c.20; 2002, c.C-11.1; 2005, c.M-36.1; 2007, c.P-13.2; 2010, c.N-5.2 and c.21; 2013, c.27; 2014, c.E-13.1; 2018, c.12 and c.42; and 2019, c.18.*

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the original Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER H-2.2

An Act to provide for the Preservation, Interpretation and Development of Certain Aspects of Heritage Property in Saskatchewan, to provide for the continuance of the Saskatchewan Heritage Foundation and to provide for the naming of Geographic Features

PART I Short Title

Short title

- 1 This Act may be cited as *The Heritage Property Act*.

Interpretation

Interpretation

- 2 In this Act:

- (a) **Repealed.** 2010, c.21, s.5.
- (b) **“advisory committee”** means a Municipal Heritage Advisory Committee established under section 10;
- (c) **“alter”** means to change in any manner, and includes to restore, renovate, repair or disturb;
- (d) **“archaeological object”** means any object showing evidence of manufacture, alteration or use by humans that is found in or taken from land in Saskatchewan and that is of value for the information that it may give on prehistoric or early historic human activity in Saskatchewan;
- (d.1) **“board”** means the board of directors of the Foundation;
- (e) **“council”** means the council of a municipality;
- (f) **“Crown”** means:
 - (i) the Crown in right of Saskatchewan; or
 - (ii) any agent of the Crown in right of Saskatchewan, including the Workers’ Compensation Board;
- (g) **Repealed.** 1993, c.26, s.3.

- (h) **“excavation”** means the process of breaking, turning up, disturbing or removing vegetation, soil or other overburden in order to expose or remove heritage property, archaeological objects, stratotypes or other geological material;
- (h.1) **“Foundation”** means the Saskatchewan Heritage Foundation continued pursuant to section 5;
- (i) **“heritage property”** means:
- (i) archaeological objects;
 - (ii) palaeontological objects;
 - (iii) any property that is of interest for its architectural, historical, cultural, environmental, archaeological, palaeontological, aesthetic or scientific value; and
 - (iv) any site where any object or property mentioned in subclauses (i), (ii) or (iii) is or may reasonably be expected to be found;
- (j) **“inspect”** includes to survey, photograph, measure and record;
- (k) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (k.01) **“ministry”** means the ministry over which the minister presides;
- (k.1) **“Municipal Heritage Conservation District”** means a municipality or any area of a municipality designated pursuant to clause 11(1)(b);
- (k.2) **“Municipal Heritage Property”** means any real property designated pursuant to clause 11(1)(a);
- (l) **“municipality”** includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys pursuant to section 69 of that Act;
- (m) **“officer”** means a police officer or a person appointed by the minister as an officer for the purposes of this Act;
- (n) **“owner”** means:
- (i) with respect to real property, a person who has an estate or interest in the parcel of land as shown on the title in the Land Titles Registry;
 - (ii) with respect to personal property, a person who has an estate or interest in the property;
- (n.1) **“palaeontological object”** means a fossil of a vertebrate animal or a macroscopic fossil of an invertebrate animal or plant that lived in the geological past, but does not include:
- (i) a fossil fuel and fossiliferous rock intended for industrial use; or
 - (ii) any form, in addition to those mentioned in subclause (i), of a preserved remain or trace of a multicellular organism that may be prescribed in the regulations;

- (n.2) **“Provincial Heritage Property”** means any property designated pursuant to subsections 39(1), 45(1) or 55(1);
- (n.3) **“registered owner”** means the registered owner as shown on the title for the parcel of land in the Land Titles Registry;
- (n.4) **“registrar”** means the person appointed pursuant to clause 3(1)(e.1);
- (o) **“review board”** means the review board mentioned in section 7.6;
- (p) **“site”** includes any parcel of land or remains of any building or structure;
- (q) **“stratotype”** means any area in which a rock or sediment stratum crops out or has been exposed by excavation and which serves as a reference section for that rock or sediment stratum.
- (r) **Repealed.** 1993, c.26, s.3.

1979-80, c.H-2.2, s.2; 1983, c.77, s.30; 1983-84, c.39, s.3; 1993, c.26, s.3; 2000, c.L-5.1, s.286; 2005, c.M-36.1, s.430; 2010, c.21, s.5; 2018, c 12, s.3 and c 42, s.26.

PART II

Heritage Conservation, Protection and Preservation

Powers of minister

3(1) Subject to any regulations, the minister may:

- (a) purchase, lease or otherwise acquire any heritage property;
- (b) sell, exchange, donate or otherwise dispose of, on any terms that the minister considers appropriate, any heritage property that was acquired by the Crown pursuant to this Act or *The Saskatchewan Heritage Act*, or that is otherwise under the minister’s administration, except:
- (i) subject to clause (b.1), any archaeological object; and
- (ii) any palaeontological object that is not prescribed in the regulations or that belongs to a category not prescribed in the regulations for the purposes of this subclause;
- (b.1) exchange, donate or otherwise transfer ownership, except by sale, on any terms the minister considers appropriate, any archaeological object that was acquired by the Crown pursuant to this Act or *The Saskatchewan Heritage Act*, or that is otherwise under the minister’s administration;
- (b.2) lease, licence, loan or otherwise transfer possession, except through the transfer of ownership, on any terms that the minister considers appropriate, any heritage property that was acquired by the Crown pursuant to this Act or *The Saskatchewan Heritage Act*, or that is otherwise under the minister’s administration;

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- (b.3) determine the fee, royalty or price, if any, for any disposition or class of dispositions that may be made pursuant to clause (b), (b.1) or (b.2);
 - (c) exhibit and display, within or outside Saskatchewan, any heritage property that was acquired by the Crown pursuant to this Act or *The Saskatchewan Heritage Act*, or that is otherwise under the minister's administration;
 - (d) set any rate or fee for admission by the public to enter or view any heritage property that was acquired by the Crown pursuant to this Act or *The Saskatchewan Heritage Act*, or that is otherwise under the minister's administration;
 - (e) classify, preserve, index, inventory and catalogue heritage property and maintain a register of all property designated under this Act;
 - (e.1) appoint a person as registrar to receive notices, bylaws and orders made pursuant to this Act and to maintain the register mentioned in clause (e);
 - (e.2) specify the form of any notice required pursuant to this Act;
 - (f) undertake, support or sponsor educational or research programs relating to heritage property;
 - (g) provide professional and technical services to museums and other related institutions for purposes relating to heritage property;
 - (h) provide professional, technical and financial assistance to any person, agency, organization or society whose aims and objectives are complementary to the purposes of this Act;
 - (i) refer any matter relating to heritage property to the Foundation for its consideration;
 - (j) make grants to owners of heritage property, municipalities and heritage conservation districts designated under this Act for the purpose of furthering activities relating to heritage property on any terms and conditions that he considers advisable;
 - (k) do or authorize to be done, any other things that are incidental or conducive to the attainment of the purposes and objects of this Act.
- (2) The minister may, on behalf of the Government of Saskatchewan, enter into any agreement with the Government of Canada or any other nation, the government of any other province or any person, agency, organization or association respecting the coordination, preservation, study, interpretation and promotion of the appreciation of heritage property in the province.

Access restricted

3.1 The minister may restrict or prohibit access by any person to heritage property records or information, including any record or information maintained pursuant to clause 3(1)(e) or subsection 66.2(3), where the minister is of the opinion that these measures are necessary to conserve or prevent loss of or damage to heritage property.

1993, c.26, s.5.

Temporary stop order

4(1) Where the minister is of the opinion that any person is engaged in any activity that the minister considers likely to result in damage or destruction to any heritage property, he may issue a temporary stop order requiring that person to cease the activity or any part of the activity that is specified in the temporary stop order for a period of not more than 60 days to allow the minister to:

- (a) salvage the heritage property in danger;
- (b) record or excavate the heritage property;
- (c) investigate alternatives to the destruction of the heritage property; or
- (d) designate the property pursuant to this Act.

(2) Any person who feels himself aggrieved by a temporary stop order issued pursuant to subsection (1) may appeal to the Court of Queen's Bench, within 14 days of the date of that order, and the judge who hears the appeal may confirm, vary or rescind the order appealed from.

(3) The minister may cancel an order made pursuant to subsection (1).

1979-80, c.H-2.2, s.4; 2018, c 42, s.65.

PART II.2

Saskatchewan Heritage Foundation**Foundation continued**

5(1) The Saskatchewan Heritage Foundation constituted pursuant to *The Saskatchewan Heritage Foundation Act*, as that Act existed before the coming into force of this section, is continued.

(2) The Foundation is a corporation.

2010, c.21, s.5.

Purposes of Foundation

5.1(1) The purposes of the Foundation are to:

- (a) receive, acquire by purchase or donation, hold, preserve, maintain, restore and manage heritage property for the use, enjoyment and benefit of the people of Saskatchewan;

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- (b) support and contribute to the acquisition, holding, conservation, preservation, maintenance, reconstruction, restoration and management of heritage property by any person for the use, enjoyment and benefit of the people of Saskatchewan;
 - (c) gain further knowledge of and increase public awareness, understanding and appreciation of Saskatchewan's heritage through any suitable means;
 - (d) advise and make recommendations to the minister on any matter relating to the conservation, protection, preservation and designation of heritage property in Saskatchewan;
 - (e) advise and make recommendations to the minister on any matter respecting names of geographic features in Saskatchewan;
 - (f) **Repealed.** 2018, c 12, s.4.
 - (g) undertake any other activities and programs that are prescribed in the regulations.
- (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.

2010, c.21, s.5; 2018, c 12, s.4.

Powers of Foundation

5.2(1) In this section, "**heritage initiative**" means an initiative to do all or any of the following:

- (a) to gain further knowledge of Saskatchewan's heritage;
 - (b) to increase public awareness, understanding and appreciation of Saskatchewan's heritage;
 - (c) to conserve, protect and preserve Saskatchewan's heritage.
- (2) The Foundation may:
- (a) purchase, lease or otherwise acquire any heritage property or any other real or personal property that it considers necessary to carry out its purposes;
 - (b) develop, maintain, manage or operate any heritage property and other real property acquired pursuant to clause (a);
 - (c) exhibit or display, within or outside Saskatchewan, any heritage property acquired pursuant to clause (a) on any terms and conditions it considers appropriate;
 - (d) sell, lease, exchange or otherwise dispose of any heritage property or other real or personal property acquired pursuant to clause (a);
 - (e) solicit and receive donations, bequests or other gifts of or relating to heritage property or heritage initiatives;

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- (f) undertake, support or sponsor educational or research programs relating to heritage property or heritage initiatives;
 - (g) provide professional and technical services, on any terms and conditions it considers appropriate, to any person, agency, organization, association, institution or body within or outside Saskatchewan with respect to heritage property or heritage initiatives;
 - (h) subject to subsection (3), provide financial assistance, by way of grants, loans or other means, on any terms and conditions it considers appropriate, to any person, agency, organization, association, institution or body within or outside Saskatchewan with respect to heritage property or heritage initiatives;
 - (i) subject to subsection (4), enter into agreements with any person, agency, organization, association, institution or body within or outside Saskatchewan that it considers necessary to carry out the purposes of the Foundation;
 - (j) charge fees for any goods, services, facilities or materials provided to persons by the Foundation;
 - (k) do all those things that the Foundation considers necessary, incidental or conducive to the carrying out of its purposes; and
 - (l) exercise any other powers that may be conferred on the Foundation by the Lieutenant Governor in Council.
- (3) The Foundation shall not provide financial assistance pursuant to clause (2)(h) in any amount exceeding \$50,000 in any fiscal year without the approval of the Lieutenant Governor in Council.
- (4) The Foundation shall not enter into any agreement pursuant to clause (2)(i) whereby the Foundation is liable to make expenditures in excess of \$50,000 in any fiscal year without the approval of the Lieutenant Governor in Council.

2010, c.21, s.5.

Membership of Foundation

- 5.3(1) The membership of the Foundation consists of not less than seven and not more than 15 persons appointed by the Lieutenant Governor in Council.
- (2) At least 3 persons are to be appointed to the Foundation to fulfil the duties and exercise the powers of the review board.

2010, c.21, s.5; 2018, c 12, s.5.

Board of Foundation

- 5.31(1) The board of directors of the Foundation consists of those persons who are appointed to constitute the Foundation pursuant to subsection 5.3(1) other than those persons mentioned in subsection 5.3(2).
- (2) Subject to subsections (3) to (5), a person appointed pursuant to section 5.3:
- (a) holds office at pleasure for a period not exceeding two years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and
 - (b) is eligible for reappointment.

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- (3) No member of the board shall hold office for more than three consecutive terms.
- (4) If a member of the board dies or resigns, the person ceases to be a member of the board on the date of death or on the date on which the resignation is received by the board, as the case may be.
- (5) If the office of a person appointed pursuant to section 5.3 becomes vacant, the Lieutenant Governor in Council may:
 - (a) appoint a person for the remainder of the term of the person who vacated the office; or
 - (b) appoint a person for the term mentioned in subsection (2).
- (6) A vacancy in the membership of the board does not impair the power of the remaining members of the board to act.
- (7) The Lieutenant Governor in Council shall fix the remuneration and rate of reimbursement for expenses of members of the board.

2010, c.21, s.5; 2018, c 12, s.6.

Chairperson and vice-chairperson

5.4(1) The Lieutenant Governor in Council shall designate one member of the board as chairperson of the board and may designate another member of the board as vice-chairperson of the board.

- (2) The chairperson shall:
 - (a) preside over all meetings of the board; and
 - (b) perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.
- (3) In the absence of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

2010, c.21, s.5.

Agent of the Crown

5.5(1) The Foundation is for all its purposes an agent of the Crown, and the Foundation's powers pursuant to this Act may be exercised only as an agent of the Crown.

- (2) All property of the Foundation, all moneys acquired, administered, possessed or received from any source and all profits earned by the Foundation are the property of the Crown and are, for all purposes, including taxation of whatever nature and description, deemed to be property of the Crown.

2010, c.21, s.5.

Responsible to the minister

5.6 The Foundation is responsible to the minister for the performance of its responsibilities and the exercise of its powers pursuant to this Act.

2010, c.21, s.5.

Head office

5.7 The head office of the Foundation is to be at any location in Saskatchewan that the Lieutenant Governor in Council may designate.

2010, c.21, s.5.

Capacity to contract

5.8(1) The Foundation has the capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation had been acquired or incurred on its own behalf.

(2) The Foundation may, on behalf of the Crown, contract in its corporate name without specific reference to the Crown.

2010, c.21, s.5.

Liability in tort

5.9 The Foundation may:

- (a) sue with respect to any tort; and
- (b) be sued with respect to liabilities in tort to the extent to which the Crown is subject pursuant to *The Proceedings Against the Crown Act, 2019*.

2010, c.21, s.5; 2019, c 18, s.4.

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.

2018, c 12, s.7.

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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.

2018, c.12, s.8.

Delegation – geographic names committee

6.2 If the board establishes a geographic names committee pursuant to clause 6.1(1)(a):

- (a) the board may delegate to the geographic names committee:
 - (i) the exercise of any powers given by this Act to the Foundation in its capacity as the geographic names committee; and
 - (ii) the fulfilment of any duties imposed by this Act on the Foundation in its capacity as the geographic names committee; and
- (b) if the board has delegated the exercise of any powers, or the fulfilment of any duties, mentioned in clause (a) to the geographic names committee:
 - (i) the exercise of those powers and the fulfilment of those duties by the geographic names committee is deemed to be the exercise of those powers or the fulfilment of those duties by the Foundation; and
 - (ii) a decision of the geographic names committee in the exercise of those powers and the fulfilment of those duties is deemed to be a decision of the Foundation.

2010, c.21, s.5.

6.3 Repealed. 2018, c.12, s.9.

Staff

6.4 The minister may provide the Foundation with:

- (a) any supplies; and
- (b) the services of any employees under the minister's administration.

2010, c.21, s.5.

Professional advisors, etc.

6.5 The Foundation, on any terms and conditions that it considers appropriate, may retain the services of any consultants or professional or technical advisors that it considers necessary for the purposes of this Act.

2010, c.21, s.5.

Bylaws

6.6 With the approval of the minister, the board may make bylaws consistent with this Act, the regulations and its purposes.

2010, c.21, s.5.

Revenues of Foundation

7 Notwithstanding any other Act or law, the Foundation may receive and hold any:

- (a) moneys appropriated to it by the Legislature;
- (b) moneys distributed to the Foundation from the net profits of a lottery scheme within the meaning of *The Interprovincial Lotteries Act, 1984* for the purposes of the Foundation;
- (c) moneys received by it pursuant to clause 5.2(2)(e);
- (d) amounts realized by it as a result of investments of moneys of the Foundation; and
- (e) proceeds realized by it from the disposal of assets of the Foundation.

2010, c.21, s.5.

Investment

7.1 The Foundation may:

- (a) invest any part of the moneys of the Foundation in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of the investments in any manner, on any terms and in any amount that the Foundation considers expedient and invest the proceeds of that disposition in investments of the kind described in clause (a).

2010, c.21, s.5.

Treasury Board directives

7.2 Treasury Board may make orders and issue directives that it considers expedient with respect to the financial conduct of the Foundation.

2010, c.21, s.5.

Audit

7.3 The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the Foundation's records, accounts and financial statements:

- (a) annually; and
- (b) at any other time that the Lieutenant Governor in Council may require.

2010, c.21, s.5.

Annual report

7.4(1) In each fiscal year, the Foundation shall, in accordance with section 13 of *The Executive Government Administration Act*, prepare and submit to the minister:

- (a) a report of the Foundation on its business for its preceding fiscal year; and
- (b) a financial statement showing the business of the Foundation for its preceding fiscal year, in any form that may be required by Treasury Board.

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(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and statement received by the minister pursuant to subsection (1).

2010, c.21, s.5; 2014, c.E-13.1, s.62.

Fiscal year

7.5 The fiscal year of the Foundation is the period commencing on April 1 in one year and ending on March 31 in the next year.

2010, c.21, s.5.

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.

2018, c 12, s.10.

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).

2018, c 12, s.10.

PART III

Designation of Properties by Municipalities

Interpretation

8 In this Part:

- (a) **“applicant”** means a person who, pursuant to section 13, 19, 21, 25 or 31, objects to a decision or proposal of a council;
- (b) **“demolition”** includes removal of a structure from the location on which it existed at the time of its designation pursuant to this Part;
- (c) **“designated property”** means:
 - (i) any Municipal Heritage Property; or
 - (ii) any property within a Municipal Heritage Conservation District;
- (d) **“Heritage Conservation District notice”** means a notice, in a form specified by the minister, that the property to which the notice relates is located in a Municipal Heritage Conservation District or is located in an area that may be designated as a Municipal Heritage Conservation District;
- (e) **“municipal official”** means the clerk or administrator, as the case may be, of a municipality;
- (f) **“notice of designation”** means a notice by a municipality, in a form specified by the minister, that the property to which the notice relates has been designated as a Municipal Heritage Property or that the property to which the notice relates is located in a Municipal Heritage Conservation District;
- (g) **“notice of intention”** means a notice by a municipality, in a form specified by the minister, of its intention to pass, amend or repeal a bylaw designating Municipal Heritage Property or a Municipal Heritage Conservation District;
- (h) **“objection”** means a written objection made pursuant to section 13, 19, 21, 25 or 31;
- (i) **“property”** means any real property.

1993, c.26, s.7; 2000, c.L-5.1, s.287; 2002,
c.C-11.1, s.384; 2005, c.M-36.1, s.430; 2010,
c.N-5.2, s.454.

c. H-2.2**HERITAGE PROPERTY****Register**

- 9(1)** The municipal official of a municipality shall keep a register of all designated property in the municipality.
- (2) The register mentioned in subsection (1), with respect to Municipal Heritage Property, is to contain:
- (a) an accurate legal description of that property;
 - (b) if the property is within a municipality other than a rural municipality, the civic address;
 - (c) the name and address of the registered owner of the property; and
 - (d) the reason for the designation.
- (3) The register mentioned in subsection (1), with respect to property within a Municipal Heritage Conservation District, is to contain:
- (a) an accurate legal description of the property within that District;
 - (b) the civic boundaries of that District;
 - (c) the name and address of the registered owner of each property within the District; and
 - (d) the reason for the designation.
- (4) The municipal official shall issue copies from the register to any person on payment of a fee determined by municipal bylaw.

1993, c.26, s.7; 2005, c.M-36.1, s.430.

Municipal Heritage Advisory Committee

- 10(1)** Any council, by bylaw, may establish a Municipal Heritage Advisory Committee to advise and assist the council on any matters arising out of this Act or the regulations.
- (2) A Municipal Heritage Advisory Committee is to consist of at least three members appointed by the council.
- (3) The councils of a number of municipalities, by bylaw of each of those municipalities, may establish a joint Municipal Heritage Advisory Committee to advise those municipalities on any matters arising out of this Act or the regulations.

1993, c.26, s.7.

Designation of property

- 11(1)** Notwithstanding anything in *The Planning and Development Act, 2007*, any council, by bylaw and on any terms and conditions that the council considers advisable, may designate:
- (a) as a Municipal Heritage Property, any heritage property that is not subject to any other designation pursuant to this Act;
 - (b) as a Municipal Heritage Conservation District, all or any part of the council's municipality that contains or may reasonably be expected to contain heritage property that is not subject to any other designation pursuant to this Act.

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(2) Prior to passing a bylaw to designate a Municipal Heritage Property or a Municipal Heritage Conservation District, the council shall:

- (a) consult with its Municipal Heritage Advisory Committee, if one has been established;
- (b) serve the registrar and all owners of property included in the proposed bylaw with a notice of intention;
- (c) publish a notice of intention in at least one issue of a newspaper in general circulation in the municipality;
- (d) in the case of a bylaw to designate Municipal Heritage Property, register an interest based on a notice of intention in the Land Titles Registry against all titles for the parcels of land included in the proposed bylaw; and
- (e) in the case of a bylaw to designate a Municipal Heritage Conservation District, register an interest based on a Heritage Conservation District notice in the Land Titles Registry against all titles for the parcels of land included in the proposed bylaw.

(3) The council, at any time prior to passing a proposed bylaw, may withdraw it, and after withdrawing it shall:

- (a) notify the registrar and all owners of property included in the proposed bylaw of the council's decision;
- (b) in the case of a bylaw to designate Municipal Heritage Property, discharge the interest registered pursuant to clause (2)(d); and
- (c) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge the interest registered pursuant to clause (2)(e).

(4) Notwithstanding any provision of *The Planning and Development Act, 2007*, any council, by bylaw, may establish any guidelines and controls that the council considers necessary to preserve and develop the heritage characteristics of designated property, including:

- (a) design elements of existing and proposed buildings and structures;
- (b) street and sidewalk designs;
- (c) street furniture, lighting and public signs;
- (d) commercial and private signs; or
- (e) landscaping.

1993, c.26, s.7; 2000, c.L-5.1, s.288; 2007,
c.P-13.2, s.258.

Content of bylaw

12(1) A bylaw to designate a Municipal Heritage Property or a Municipal Heritage Conservation District is to be voted on in a regular or special meeting of the council not less than 30 days from the date of the last service, publication or registration of the notices required pursuant to clause 11(2).

c. H-2.2**HERITAGE PROPERTY**

- (2) The bylaw to be voted on must contain:
 - (a) an accurate legal description of all property included in the bylaw;
 - (b) where the property is within a municipality other than a rural municipality and is to be designated as a Municipal Heritage Property, the civic address;
 - (c) where the property is within a municipality other than a rural municipality and is to be designated as part of a proposed Municipal Heritage Conservation District, the civic boundaries of that District; and
 - (d) the reasons for the designation.
- (3) After passing the bylaw mentioned in subsection (1) the council shall:
 - (a) serve the registrar with a certified copy of the bylaw;
 - (b) serve a notice of designation on all owners of property included in the bylaw; and
 - (c) in the case of a bylaw to designate Municipal Heritage Property, register an interest based on the notice of designation in the Land Titles Registry against all titles for the parcels of land included in the bylaw.
- (4) On registration of an interest in accordance with clause (3)(c), any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 11(2)(d) is deemed to be discharged.

1993, c.26, s.7; 2000, c.L-5.1, s.289; 2001, c.20, s.29; 2002, c.C-11.1, s.384; 2005, c.M-36.1, s.430.

Objection to proposed designation

- 13(1)** Any applicant who wishes to object to the proposed designation of a Municipal Heritage Property or a Municipal Heritage Conservation District shall serve the council with an objection stating the reason for the objection and all relevant facts.
- (2) The applicant shall serve the objection at least three days prior to the council meeting mentioned in subsection 12(1).
- (3) On receipt of an objection pursuant to subsection (1), the council shall:
 - (a) refer the matter to the review board for a hearing pursuant to section 14 and a report pursuant to section 15 and notify the applicant of the referral; or
 - (b) withdraw the proposed bylaw.
- (4) Where, in response to an objection or for any other reason, the council withdraws a proposed bylaw, the council shall:
 - (a) in the case of a bylaw to designate Municipal Heritage Property, discharge any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 11(2)(d);
 - (b) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 11(2)(e); and

- (c) notify the following of the withdrawal:
 - (i) all owners of property included in the proposed bylaw;
 - (ii) the registrar; and
 - (iii) the applicant.

1993, c.26, s.7; 2000, c.L-5.1, s.290.

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.

2018, c.12, s.11.

Report of review board

15(1) Within 30 days after a hearing pursuant to subsection 14(1), the review board shall submit a report to the council stating:

- (a) its findings of fact;
- (b) its recommendations with respect to the objection; and
- (c) any information or knowledge it has taken into account in reaching its recommendations.

(2) The review board shall send to the parties to the hearing a copy of the review board's report mentioned in subsection (1).

(3) Failure of the review board to report within the time specified in subsection (1) does not invalidate the hearing or the report.

1993, c.26, s.7.

c. H-2.2**HERITAGE PROPERTY****Council to consider report**

16(1) On receipt and consideration of the review board's report on a matter referred to the review board pursuant to subsection 13(3), the council may:

- (a) pass the bylaw notwithstanding the objection; or
- (b) consent to the objection and withdraw or modify the proposed bylaw.

(2) Where, after considering the review board's report, the council withdraws a proposed bylaw, the council shall:

(a) in the case of a bylaw to designate Municipal Heritage Property, discharge any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 11(2)(d);

(b) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 11(2)(e); and

(c) notify the following of the withdrawal:

- (i) all owners of property included in the proposed bylaw;
- (ii) the registrar; and
- (iii) the applicant.

(3) Where, after considering the review board's report, the council modifies a proposed bylaw and that modification removes any property from the proposed bylaw, the council shall:

(a) in the case of a bylaw to designate Municipal Heritage Property, discharge any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 11(2)(d);

(b) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 11(2)(e); and

(c) notify the following of the modification:

- (i) all owners of property removed from the proposed bylaw;
- (ii) the registrar; and
- (iii) the applicant.

(4) Where the council passes the bylaw after considering the review board's report, the council shall notify the applicant of the decision and the applicant shall not serve another objection with respect to the same property until the expiration of one year from the date of service of the original objection unless the council consents to a shorter period.

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Repeal or amendment of bylaw

17(1) Notwithstanding any provision of *The Planning and Development Act, 2007*, any council, by bylaw and on any terms and conditions that the council considers appropriate, may repeal or amend any bylaw passed pursuant to section 11.

(2) Prior to repealing a bylaw passed pursuant to subsection 11(1) or amending a bylaw to add property to or remove property from the designation, the council shall:

- (a) consult with its Municipal Heritage Advisory Committee, if one has been established;
- (b) serve the registrar and all owners of property included in the proposed repeal or amendment with a notice of intention;
- (c) publish a notice of intention in at least one issue of a newspaper in general circulation in the municipality;
- (d) where an amendment would add Municipal Heritage Property to the designation, register an amendment of the interest based on the notice of intention in the Land Titles Registry against all affected titles; and
- (e) where an amendment would add property to a Municipal Heritage Conservation District, register an amendment of the interest based on a Heritage Conservation District notice in the Land Titles Registry against all affected titles.

1993, c.26, s.7; 1996, c.32, s.7; 2000, c.L-5.1, s.292; 2001, c.20, s.30; 2007, c.P-13.2, s.258.

Content of repealed or amended bylaw

18(1) A bylaw to repeal or amend a bylaw passed pursuant to subsection 11(1) is to be voted on in a regular or special meeting of the council not less than 30 days from the date of the last service, publication or registration of the notices required pursuant to subsection 17(2).

(2) The bylaw to be voted on must contain:

- (a) an accurate legal description of all property included in the repeal or amendment;
- (b) where the property is within a municipality other than a rural municipality and is to be added to or removed from a Municipal Heritage Property designation, the civic address;
- (c) where the property is within a municipality other than a rural municipality and is to be added to or removed from a Municipal Heritage Conservation District, the civic boundaries of the area to be added to or removed from that District; and
- (d) the reasons for the repeal or amendment.

(3) After passing the amendment or repealing the bylaw, the council shall:

- (a) serve the registrar with a certified copy of the amending or repealing bylaw;

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- (b) serve a notice of designation on all owners of property included in the amending bylaw and notify all owners of property where the designation has been repealed;
- (c) where an amendment has the effect of adding Municipal Heritage Property to the designation, register an amendment to the interest based on the notice of designation in the Land Titles Registry against all affected titles;
- (d) where an amendment or repeal has the effect of removing property from the designation:
 - (i) in the case of an amendment or repeal concerning Municipal Heritage Property, discharge any interest based on the notice of designation that was registered in the Land Titles Registry pursuant to clause 12(3)(c); and
 - (ii) in the case of an amendment or repeal concerning property in a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 11(2)(e).
- (4) On registration of an interest in accordance with clause (3)(c), any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 17(2)(d) is deemed to be discharged.

1993, c.26, s.7; 1996, c.32, s.7; 2000, c.L-5.1, s.293; 2001, c.20, s.31; 2002, c.C-11.1, s.384; 2005, c.M-36.1, s.430.

Objection to repeal or amendment of bylaw

- 19(1)** Any applicant who wishes to object to a proposed repeal or amendment of a bylaw pursuant to section 17 to add property to or remove property from the designation shall serve the council with an objection stating the reason for the objection and all relevant facts.
- (2) The applicant shall serve the objection at least three days prior to the council meeting mentioned in subsection 18(1).
- (3) On receipt of an objection pursuant to subsection (1), the council shall:
 - (a) refer the matter to the review board for a hearing pursuant to section 14 and a report pursuant to section 15 and notify the applicant of the referral; or
 - (b) withdraw the proposed repeal or amendment of the bylaw.
- (4) Where, in response to an objection, or for any other reason, the council withdraws a proposed repeal or amendment of a bylaw, the council shall:
 - (a) in the case of a proposed amendment concerning Municipal Heritage Property, discharge any interest based on the notice of intention that was registered in the Land Titles Registry pursuant to clause 17(2)(d);

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- (b) in the case of a proposed amendment concerning property proposed to be added to a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 17(2)(e); and
- (c) notify the following of the withdrawal:
 - (i) all owners of property included in the proposed repeal or amendment of the bylaw;
 - (ii) the registrar; and
 - (iii) the applicant.

1993, c.26, s.7; 2000, c.L-5.1, s.294.

Council to consider report

20(1) On receipt and consideration of the review board's report on a matter referred to the review board pursuant to subsection 19(3), the council may:

- (a) pass the proposed repeal or amendment notwithstanding the objection; or
 - (b) consent to the objection and withdraw or modify the proposed repeal or amendment.
- (2) Where, after considering the review board's report, the council withdraws a proposed repeal or amendment, the council shall:

- (a) in the case of a proposed amendment concerning Municipal Heritage Property, discharge any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 17(2)(d);
- (b) in the case of a proposed amendment concerning property proposed to be added to a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 17(2)(e); and
- (c) notify the following of the withdrawal:
 - (i) all owners of property included in the proposed repeal or amendment;
 - (ii) the registrar; and
 - (iii) the applicant.

(3) Where, after considering the review board's report, the council modifies a proposed repeal or amendment and that modification removes property from the proposed repeal or amendment, the council shall:

- (a) in the case of a modification concerning Municipal Heritage Property, discharge any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 17(2)(d);
- (b) in the case of a modification concerning property proposed to be added to a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 17(2)(e); and

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- (c) notify the following of the modification:
 - (i) all owners of property removed from the proposed repeal or amendment;
 - (ii) the registrar; and
 - (iii) the applicant.
- (4) Where the council passes the proposed repeal or amendment after considering the review board's report, the council shall notify the applicant of the decision and the applicant shall not serve another objection with respect to the same property until the expiration of one year from the date of service of the original objection unless the council consents to a shorter period.

1993, c.26, s.7; 1996, c.32, s.7; 2000, c.L-5.1,
s.295.

Objection re bylaw

- 21(1)** Subject to subsection (2), any applicant who wishes to object to a bylaw passed pursuant to subsection 11(1) or a bylaw passed pursuant to subsection 17(1) that amends or repeals a bylaw passed pursuant to subsection 11(1) shall serve the council with an objection stating the reason for the objection and all relevant facts.
- (2) No applicant shall make an objection pursuant to subsection (1) until the expiration of six months from the date on which the bylaw was passed.
- (3) On receipt of an objection pursuant to subsection (1), the council shall:
 - (a) refer the matter to the review board for a hearing pursuant to section 14 and a report pursuant to section 15; or
 - (b) repeal or amend the bylaw in accordance with sections 17 and 18.

1993, c.26, s.7.

Council to consider report

- 22(1)** On receipt and consideration of the review board's report on a matter referred to the review board pursuant to subsection 21(3), the council may:
 - (a) deny the objection; or
 - (b) consent to the objection and repeal or amend the bylaw in accordance with sections 17 and 18.
- (2) Where the council denies an objection pursuant to subsection (1), the council shall notify the applicant of the decision and the applicant shall not serve another objection with respect to the same property until the expiration of one year from the date of service of the original objection unless the council consents to a shorter period.

1993, c.26, s.7.

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Alteration of designated property, etc.

23(1) Notwithstanding any other Act or law, no person shall alter, restore, repair, disturb, transport, add to, change or move, in whole or in part, or remove any fixtures from, without the written approval of the council of the municipality in which the property is situated, any:

- (a) designated property;
- (b) property for which a notice of intention has been registered pursuant to clause 11(2)(d) or 17(2)(d) within 120 days of the registration of that notice;
- (c) property for which a Heritage Conservation District notice has been registered pursuant to clause 11(2)(e) or 17(2)(e) within 120 days of the registration of that notice; or
- (d) building, structure or work on any property mentioned in clauses (a) to (c).

(2) Subject to subsection (3), an owner of any property, building, structure or work to which subsection (1) applies may apply to the council of the municipality in which the property is situated for approval to do any of the activities mentioned in subsection (1) with respect to that property, building, structure or work.

(3) An application pursuant to subsection (2) shall be accompanied by a detailed plan:

- (a) explaining the nature of the activities for which the approval is requested;
- (b) showing the outcome of the activities for which the approval is requested on a scaled drawing; and
- (c) containing any other information that the council may require.

(4) The council shall:

- (a) consider an application pursuant to subsection (2); and
- (b) within 30 days from the date of receipt of the application, cause notice of its decision to be served on the person making the application.

(5) The council, by general or specific bylaw, may delegate any of the powers and duties mentioned in this section to:

- (a) a committee of the council;
- (b) the council's administration; or
- (c) the Municipal Heritage Advisory Committee, if one has been established.

(6) If powers and duties are delegated pursuant to subsection (5), the committee of the council, the council's administration or the Municipal Heritage Advisory Committee, as the case may be, may exercise those powers and shall perform those duties in the same manner and with the same effect as if they were exercised or performed by the council.

(7) The failure by a council to pass a bylaw designating Municipal Heritage Property or a Municipal Heritage Conservation District within the time period mentioned in clause (1)(b) does not invalidate the notification process mentioned in subsection 11(2) or 17(2).

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24(1) Notwithstanding any other Act or law, no person shall demolish or destroy, in whole or in part, without the written approval of the council of the municipality in which the property is situated, any:

- (a) designated property;
 - (b) property for which an interest based on a notice of intention has been registered pursuant to clause 11(2)(d) or 17(2)(d) within 120 days after registration of that interest;
 - (c) property for which an interest based on a Heritage Conservation District notice has been registered pursuant to clause 11(2)(e) or 17(2)(e) within 120 days after registration of that interest; or
 - (d) building, structure or work on the property mentioned in clauses (a) to (c).
- (2) An owner of any property, building, structure or work to which subsection (1) applies may apply to the council of the municipality in which the property is situated for approval to demolish or destroy that property, building, structure or work.
- (3) After consultation with its Municipal Heritage Advisory Committee, if one has been established, the council shall:
- (a) consider an application pursuant to subsection (2); and
 - (b) within 30 days from the date of receipt of that application, cause notice of its decision to be served on the person making the application.
- (4) The failure by a council to pass a bylaw designating Municipal Heritage Property or a Municipal Heritage Conservation District within the time period mentioned in clause (1)(b) does not invalidate the notification process mentioned in subsection 11(2) or 17(2).

1993, c.26, s.7; 1996, c.32, s.7; 2000, c.L-5.1, s.296.

Objection to denial of application

25(1) Any applicant who wishes to object to a council's denial of an application pursuant to section 23 or 24 shall serve the council with an objection stating the reason for the objection and all relevant facts.

- (2) On receipt of an objection pursuant to subsection (1), the council shall:
- (a) refer the matter to the review board for a hearing pursuant to section 14 and a report pursuant to section 15 or consent to the objection and approve the application; and
 - (b) notify the applicant accordingly.

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(3) Where a matter is referred to the review board pursuant to subsection (2), on receipt and consideration of the report of the review board, the council:

- (a) may deny the objection or consent to the objection and approve the application; and
- (b) shall notify the applicant of the decision.

(4) Where the council denies an objection pursuant to subsection (3), the applicant shall not serve another objection with respect to the same property, building, structure or work until the expiration of one year from the date of service of the original objection unless the council consents to a shorter period.

1993, c.26, s.7.

Notice by Registrar of Titles

26(1) Where there is a transfer of title for any parcel of land that is designated property, the Registrar of Titles shall cause written notice of the change to be given:

- (a) to the municipality in which the property is situated; and
- (b) to the registrar.

(2) The notice mentioned in subsection (1) must contain the name and address of the new registered owner of the title.

2000, c.L-5.1, s.297.

Delegation

27 A council, by annual bylaw, may delegate its powers pursuant to this Part to another municipality.

1993, c.26, s.7.

Powers of municipality

28 By general or specific bylaw or by resolution, a council may:

- (a) notwithstanding any provision of *The Cities Act* or *The Municipalities Act*, provide any form of grant, loan, tax relief or any other form of assistance that the council considers appropriate to any person, agency, organization, association, institution or body within or outside Saskatchewan with respect to heritage property or with respect to the development or appreciation of heritage resources;
- (b) include, in its annual budget, provision for municipal heritage conservation and assistance;
- (c) make rules with respect to the criteria and procedures for the designation of property that are not otherwise provided for in this Act;
- (d) enter into any agreement respecting the co-ordination, preservation, study, interpretation and promotion of appreciation of heritage property in the municipality with:
 - (i) on the written approval of the minister, the Government of Canada or the government of any other province or the government of any other country or state; or
 - (ii) any person, agency, organization or association;

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- (e) deny any permit for alteration or demolition of property, for not more than 60 days, where the council considers that the property is property that the council may wish to designate as a Municipal Heritage Property or include in a Municipal Heritage Conservation District;
- (f) acquire covenants or easements relating to heritage matters within the municipality;
- (g) notwithstanding any provision of *The Cities Act* or *The Municipalities Act*, acquire heritage property or dispose of heritage property belonging to the municipality;
- (h) erect any suitable plaques or other interpretive devices that the council considers appropriate on or near Municipal Heritage Property or in or near a Municipal Heritage Conservation District.

1993, c.26, s.7; 1996, c.32, s.7; 2002, c.C-11.1, s.384; 2005, c.M-36.1, s.430.

Stop orders

29(1) Where a mayor or reeve is of the opinion that a person is engaged in any activity that the mayor or reeve considers likely to result in damage or destruction to any heritage property in the municipality, the mayor or reeve may issue a temporary stop order requiring that person to cease the activity that is specified in the temporary stop order.

(2) The temporary stop order may be made for a period of not more than 60 days to allow the council to:

- (a) salvage the heritage property in danger;
- (b) record or excavate the heritage property;
- (c) investigate alternatives to the destruction of the heritage property; or
- (d) designate the property pursuant to this Act.

(3) Any person who feels personally aggrieved by a temporary stop order issued pursuant to subsection (1) may, within 14 days of the date of the order, appeal to the Court of Queen's Bench, and the judge who hears the appeal may confirm, vary or rescind the order appealed.

(4) The council may, by motion at a regular or special meeting, cancel an order made pursuant to subsection (1).

1993, c.26, s.7; 2018, c.42, s.65.

Easements

30(1) Any covenant or easement acquired by a council pursuant to clause 28(f):

- (a) continues to run with the property; and
- (b) may be assigned to any person who, as assignee, may enforce the easement or covenant as if the assignee were the council and the council owned no other land that would be accommodated or benefitted by the easement or covenant.

(2) An interest based on any covenant or easement acquired by a council pursuant to clause 28(f) may be registered in the Land Titles Registry against the titles of the property affected.

2000, c.L-5.1, s.298.

Dereliction of designated property

31(1) Where, through neglect or lack of maintenance, the integrity or existence of designated property is placed in jeopardy, the council of the municipality in which the property is situated may, by order, require the registered owner of that property to undertake any specific repairs or other measures that the council considers necessary to preserve the property.

(2) The council shall give 14 days' written notice of its intention to issue an order pursuant to subsection (1) to the registered owner of the property that is to be the subject of the order.

(3) On being served with a notice pursuant to subsection (2), an applicant who is a registered owner may serve the council, within 14 days, with an objection stating the reason for the objection and all relevant facts.

(4) On receiving an objection pursuant to subsection (3), the council shall:

(a) refer the matter to the review board for a hearing pursuant to section 14 and a report pursuant to section 15, or amend or modify the order or not issue the order; and

(b) notify the applicant of the referral.

(5) If an objection is not received pursuant to subsection (3), the council may issue the order.

(6) Where the council issues an order pursuant to this section, the order must provide a period of at least 90 days for the registered owner of the property to comply with the order.

(7) Where the registered owner of the property fails to comply with an order made pursuant to subsection (1) within the time limit set out by the order, the council, without any further authority, may perform the repairs or other measures specified in the order or cause them to be performed.

(8) The costs of any specified repairs or other measures performed pursuant to subsection (7) are to be borne by the municipality in the first instance.

(9) Where costs are incurred by the municipality pursuant to subsection (8), the municipality:

(a) is deemed to have an interest in the land to which those costs relate for the amount of the costs;

(b) may register an interest based on the costs incurred, in the Land Titles Registry, against the titles to the parcels of land to which the costs relate;

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- (c) may charge interest to the registered owner on the amount of the costs incurred; and
 - (d) shall forward to the registered owner at least once in each year a statement showing the costs and interest owing by the registered owner.
- (10) Where a registered owner of a title against which an interest has been registered pursuant to subsection (9) sells the property, the costs and interest incurred by the municipality pursuant to this section with respect to that property are to be repaid to the municipality.
- (11) Where the total cost and interest owed by a registered owner of title are paid to a municipality, the municipality shall discharge any interest registered pursuant to subsection (9).

1993, c.26, s.7; 2000, c.L-5.1, s.299.

Council to consider report

- 32** Where a matter is referred to the review board pursuant to subsection 31(4), on receipt and consideration of the report of the review board, the council:
- (a) may issue the order, amend or modify the order, or not issue the order; and
 - (b) shall notify the applicant of the council's decision.

1993, c.26, s.7.

Sale of designated property

- 33** No owner of a designated property or property against which a notice of intention has been registered pursuant to clause 11(2)(d) or 17(2)(d) or a Heritage Conservation District notice has been registered pursuant to clause 11(2)(e) or 17(2)(e) shall offer the property for sale without giving the council of the municipality in which the property is located 30 days' written notice of the owner's intention to sell the property unless the council consents to a shorter period.

1993, c.26, s.7.

Power of inspection

- 34(1)** Subject to subsection (2), for the purposes of enforcing this Part, at any reasonable time, with reasonable notification and on producing proper identification, any person with the written authorization of the council may enter and inspect any designated property or property proposed to be designated.
- (2) No person mentioned in subsection (1) shall enter and inspect any private dwelling without first obtaining the permission of the occupant or an order pursuant to subsection (4).
- (3) No person shall:
- (a) obstruct a person authorized to make any inspection pursuant to this section; or
 - (b) conceal or destroy anything relevant to the inspection.

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c. H-2.2

(4) A judge of the Court of Queen's Bench may make an order, on an application without notice by the council or by a person authorized by the council, where the judge is satisfied that the council or the person authorized by the council believes, on reasonable and probable grounds, that entry on designated property or property proposed to be designated:

- (a) has been denied; and
- (b) is required for the purposes of inspection pursuant to this Act.

(5) An order mentioned in subsection (4) may authorize the person named in the order, together with any peace officer the person may call on for assistance, to enter, at any reasonable time and with any necessary force, the property named in the order for the purpose of inspecting the property.

1993, c.26, s.7; 2018, c.42, s.65.

Permission to designate more than once

35 A council shall not designate any property more than once without the written permission of the registered owner.

1993, c.26, s.7.

36 Repealed. 1993, c.26, s.7.

37 Repealed. 1993, c.26, s.7.

PART IV

Designation of Properties by the Province

Interpretation

38 In this Part, “**scientific property**” includes natural areas, stratotypes and other geological formation.

1979-80, c.H-2.2, s.38.

Designation of real Provincial Heritage Property

39(1) The minister may designate, by order, with any terms and conditions attached to the order that the minister considers advisable, any real property of provincial importance, to be known as Provincial Heritage Property, by:

- (a) giving written notice of his intention, together with the reasons for the designation, to the owner of the affected property;
- (b) registering an interest based on the notice of intention in the Land Titles Registry;
- (c) publishing the notice of intention in the Gazette; and
- (d) publishing the notice of intention in at least one issue of a newspaper in general circulation in the area where the affected property is situate;

at least 60 days prior to making the order.

c. H-2.2**HERITAGE PROPERTY**

(2) A notice under subsection (1) must state that a notice of objection to the designation may be served on the minister within 30 days of the date of the publication of the notice in accordance with clause (1)(d).

(3) A notice under subsection (1) must state that copies of the reasons for the designation are available from the minister on request.

1979-80, c.H-2.2, s.39; 1980-81, c.83, s.20; 2000, c.L-5.1, s.300; 2010, c.21, s.5.

Objection to proposed designation

40 A person who objects to a proposed designation shall, within the time specified in subsection 39(2), serve on the minister a notice of objection stating the reason for the objection and all relevant facts.

1979-80, c.H-2.2, s.40.

Order *re* designation of real property

41(1) Where no notice of objection is received within the time specified in subsection 39(2), the minister may, after 30 days from the expiration of that time, order the designation with respect to all or part of the property described in the notice of intention.

(2) Where the minister declines to issue an order pursuant to subsection (1), he shall:

- (a) serve a notice of his decision on the owner of the affected property; and
- (b) publish a notice of his decision in at least one issue of a newspaper in general circulation in the area where the affected property is situate.

(3) An order made pursuant to subsection (1) takes effect as soon as the minister has:

- (a) served a copy of the order on the owner of the affected property;
- (b) registered an interest based on the order in the Land Titles Registry; and
- (c) caused a notice of the order to be published in the Gazette.

(4) After an interest has been registered pursuant to clause (3)(b), any interest based on a notice of intention that was registered pursuant to clause 39(1)(b) is deemed to be discharged.

1979-80, c.H-2.2, s.41; 2000, c.L-5.1, s.301.

Hearing before review board

42(1) Where a notice of objection has been served pursuant to section 40, the minister shall, upon the expiration of the 30-day period described in subsection 39(2):

- (a) refer the matter to the review board for a hearing and report; and
- (b) publish a notice of the hearing in a newspaper having general circulation in the area where the affected property is situate at least 10 days prior to the date of the hearing.

(2) Sections 14 and 15 apply, *mutatis mutandis*, to a hearing under this section.

1979-80, c.H-2.2, s.42.

Order after hearing

43 After considering the report mentioned in subsection 42(1), the minister shall, without further hearing:

- (a) proceed with the designation pursuant to section 41, as if no notice of objection were made; or
- (b) withdraw the notice of intention to designate the property by:
 - (i) serving a notice of the decision to withdraw on the owner of the affected property;
 - (ii) publishing a notice of the decision to withdraw in the Gazette and in at least one issue of a newspaper in general circulation in the area where the affected property is situate; and
 - (iii) discharging any registered interest based on the notice of intention.

1979-80, c.H-2.2, s.43; 1980-81, c.83, s.20;
1983-84, c.39, s.14; 2000, c.L-5.1, s.302.

Effect of designation

44(1) Notwithstanding any other Act, no person shall destroy, alter, restore, repair, disturb, transport, add to, change or move, in whole or in part, real property designated pursuant to this Part or remove any fixtures from any such property:

- (a) within 120 days after the minister has complied with clauses 39(1)(a) to (d);
- (b) after the coming into force of an order made pursuant to subsection 39(1);

without the written consent of the minister.

(2) The minister may refuse to grant his consent under subsection (1) or may grant his consent subject to any conditions that he considers advisable.

(3) Prior to reaching a decision under subsection (2), the minister may request the review board to consider the matter, and sections 14 and 15 apply, *mutatis mutandis*, to a matter considered under this section.

1979-80, c.H-2.2, s.44.

Designation of personal Provincial Heritage Property

45(1) The minister may by order, with any terms and conditions attached to the order that the minister considers advisable, designate any personal property of provincial importance, to be known as Provincial Heritage Property, by:

- (a) giving written notice of his intention, together with the reasons for the designation, to the owner of the affected property; and
- (b) publishing the notice of intention in the Gazette;

at least 60 days prior to making the order.

(2) A notice under subsection (1) must state that a notice of objection to the designation may be served on the minister within 30 days of the date of the publication of the notice in the Gazette.

(3) A notice under subsection (1) must state that copies of the reasons for the designation are available from the minister on request.

1979-80, c.H-2.2, s.45; 2010, c.21, s.5.

c. H-2.2**HERITAGE PROPERTY****Objection to proposed designation**

46 A person who objects to a proposed designation shall, within the time specified in subsection 45(2), serve on the minister a notice of objection stating the reason for the objection and all relevant facts.

1979-80, c.H-2.2, s.46.

Order re designation of personal property

47(1) Where no notice of objection is received within the time specified in subsection 45(2), the minister may order the designation with respect to all or part of the property described in the notice of intention.

(2) Where the minister declines to issue an order pursuant to subsection (1), he shall serve a notice of his decision on the owner of the affected property.

(3) An order made pursuant to subsection (1) takes effect as soon as the minister has:

- (a) served a copy of the order on the owner of the affected property; and
- (b) caused a notice of the order to be published in the Gazette.

1979-80, c.H-2.2, s.47.

Hearing before review board

48(1) Where a notice of objection has been served pursuant to section 46, the minister shall, upon the expiration of the 30-day period described in subsection 45(2):

- (a) refer the matter to the review board for a hearing and report; and
- (b) publish a notice of the hearing in a newspaper having general circulation in the area where the affected property is situated at least 10 days prior to the date of the hearing.

(2) Sections 14 and 15 apply, *mutatis mutandis*, to a hearing under this section.

1979-80, c.H-2.2, s.48.

Order after hearing

49 After considering the report mentioned in subsection 48(1), the minister shall, without further hearing:

- (a) proceed with the designation pursuant to section 47, as if no notice of objection were made; or
- (b) withdraw the notice of intention to designate the property by:
 - (i) serving a notice of the decision to withdraw on the owner of the affected property; and
 - (ii) publishing a notice of the decision to withdraw in the Gazette.

1979-80, c.H-2.2, s.49; 1980-81, c.83, s.20.

Effect of designation

50(1) Notwithstanding any other Act, no person shall destroy, alter, restore, repair, add to or change, in whole or in part, any personal property designated pursuant to this Part or remove the property from the province:

- (a) within 120 days after the minister has complied with clauses 45(1)(a) and (b); or
- (b) after the coming into force of an order made pursuant to subsection 45(1);

without the written consent of the minister.

(2) The minister may refuse to grant his consent under subsection (1) or may grant his consent subject to any conditions that he considers advisable.

(3) Prior to reaching a decision under subsection (2), the minister may request the review board to consider the matter, and sections 14 and 15 apply, *mutatis mutandis*, to a matter considered under this section.

1979-80, c.H-2.2, s.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.

c. H-2.2**HERITAGE PROPERTY**

(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.

2018, c 12, s.12.

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.

2018, c 12, s.12.

Dereliction of Provincial Heritage Property

51(1) Where, through the neglect of the owner or his non-observance of accepted maintenance or operational procedures, the integrity or existence of Provincial Heritage Property is placed in jeopardy, the minister may, by order, require the person in possession of that property to undertake any specific repairs or other measures that the minister considers necessary to preserve the property.

(1.1) The minister shall give 14 days' written notice of his intention to issue an order mentioned in subsection (1) to the person in possession of the property that is to be the subject of the order.

(1.2) On being served with a notice pursuant to subsection (1.1), the person may, within the 14-day period, in writing request the minister to refer the matter to the review board.

(1.3) If a hearing is requested pursuant to subsection (1.2), the minister shall:

- (a) refer the matter to the review board; or
- (b) notify the person in possession of the Provincial Heritage Property that the order will not be issued.

(1.4) If a hearing is not requested pursuant to subsection (1.2), the minister may issue the order on the expiration of the 14-day period.

HERITAGE PROPERTY

c. H-2.2

(1.5) When a matter is referred to the review board pursuant to subsection (1.3), the review board shall hold a hearing and section 14 applies *mutatis mutandis* to a hearing pursuant to this section.

(1.6) Within 30 days of a hearing pursuant to subsection (1.5), the review board shall report to the minister with its recommendations as to whether the order should be issued, modified or dropped and subsections 15(2) and (3) apply *mutatis mutandis* to a report pursuant to this section.

(1.7) When the minister issues an order pursuant to this section, he shall provide a period of at least 90 days for the person in possession of the Provincial Heritage Property to comply with the order.

(2) Where a person in possession of Provincial Heritage Property fails to comply with an order made pursuant to subsection (1) within the time limited by the order, the minister may, without any further authority do the repairs or other measures specified in the order, or cause them to be done.

(3) The costs of any specific repairs or other measures done in accordance with an order made pursuant to subsection (1) are to be borne by the minister and where those costs are incurred, the minister:

- (a) is deemed to have an interest in the land to which those costs relate; and
- (b) may register an interest based on the costs incurred, in the Land Titles Registry, against the titles to the parcels of land to which the costs relate.

(4) Where an interest has been registered pursuant to subsection (3) against a title to a parcel of land that is Provincial Heritage Property, and the registered owner of title sells the property, the costs and interest incurred by the minister pursuant to this section with respect to that property are to be repaid to the minister.

1979-80, c.H-2.2, s.51; 1983-84, c.39, s.15; 2000, c.L-5.1, s.303.

Sale of Provincial Heritage Property

52 No owner of:

- (a) personal property; or
- (b) real property for which title has been issued pursuant to *The Land Titles Act, 2000*;

which is designated as a Provincial Heritage Property shall offer that property for sale or disposition without giving the minister 30 days' written notice of his intention to do so, unless the minister consents to a shorter notice period.

- (c) **Repealed.** 1983-84, c.39, s.16.
- (d) **Repealed.** 1983-84, c.39, s.16.

1979-80, c.H-2.2, s.52; 1983-84, c.39, s.16; 2000, c.L-5.1, s.304.

c. H-2.2**HERITAGE PROPERTY****Revocation of designation**

53(1) The minister may by order, revoke an order designating property made pursuant to this Part after:

- (a) publishing a notice of his intention in at least one issue of a newspaper in general circulation in the area where the affected property is situate at least 60 days prior to the revocation and inviting the submission to the minister of written briefs on the issue within 30 days; and
 - (b) giving written notice to the owner of the affected property.
- (2) If no written briefs are submitted, an order made pursuant to subsection (1) takes effect as soon as the minister has:
- (a) served a copy of the order on the owner of the affected property;
 - (b) pursuant to the order, discharged any interest registered against the title of the affected property; and
 - (c) published a notice of the order in the Gazette and in at least one issue of a newspaper in general circulation in the area where the affected property is situated.
- (3) Where a person objects to the revocation of an order mentioned in subsection (1), sections 14, 15, 40 and 42 apply, *mutatis mutandis*, to the determination of the objection.
- (4) After considering the report of the review board in respect of an objection under subsection (3), the minister shall, without a further hearing:
- (a) proceed with the revocation procedure pursuant to subsection (2), as if no notice of objection were made; or
 - (b) withdraw the notice of intention to revoke the designation by serving the notice of the withdrawal on the owner of the affected property and publishing the notice in the manner described in subsection (1).

1979-80, c.H-2.2, s.53; 2000, c.L-5.1, s.305.

Application for revocation of designation

54(1) An owner of property designated pursuant to this Part may apply to the minister to have the designation revoked.

(2) The minister shall consider an application under subsection (1) and may consult with the council of the municipality in which the designated property is situate, and, within 90 days of his receipt of the application, he shall:

- (a) refuse the application and cause notice of his decision to be given to the owner; or
- (b) consent to the application and order the designation of the property to be revoked, and shall:
 - (i) serve a copy of the order on the owner of the affected property;

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- (ii) publish a notice of the revocation in a newspaper having general circulation in the municipality in which the property is situate; and
 - (iii) in the case of real property, pursuant to the order, discharge any interest registered against the title of the affected property.
- (3) Where the minister refuses an application under subsection (2), the owner may, within 30 days after receipt of the notice under subsection (2), apply to the minister for a hearing before the review board.
- (4) The minister shall, upon receipt of an application under subsection (3), refer the matter to the review board for a hearing and report and shall publish a notice of the hearing in a newspaper having general circulation in the municipality in which the designated property is situate at least 10 days prior to the day of the hearing.
- (5) Sections 14 and 15 apply, *mutatis mutandis*, to a hearing under this section.
- (6) After considering the report mentioned in subsection (4), the minister shall without a further hearing:
- (a) refuse the application and cause notice of his decision to be given to the owner; or
 - (b) consent to the application and order the designation of the property to be revoked, and shall:
 - (i) serve a copy of the order on the owner of the affected property and the municipal official, as defined in section 8, of the municipality in which the property is situate;
 - (ii) publish a notice of the revocation in a newspaper having general circulation in the municipality in which the property is situate; and
 - (iii) in the case of real property, pursuant to the order, discharge any interest registered against the title of the affected property;

and the decision of the minister is final.

1979-80, c.H-2.2, s.54; 2000, c.L-5.1, s.306.

Crown owned Provincial Heritage Property

- 55(1)** The minister may, by order, with any terms and conditions attached to the order that the minister considers advisable, designate any heritage property owned by the Crown to be known as Provincial Heritage Property.
- (2) If the property to be designated pursuant to subsection (1) consists of or includes an improvement to land, the procedure for designating the property is the procedure described in section 39.

c. H-2.2**HERITAGE PROPERTY**

(3) A designating order with respect to all designations pursuant to this section, other than those described in subsection (2), takes effect upon:

- (a) publication of the order in the Gazette;
- (b) in the case of real property, registration of an interest based on the order in the Land Titles Registry; and
- (c) service of a notice of the order on the department or agency of the Crown responsible for the administration of the affected property.

1979-80, c.H-2.2, s.55; 2000, c.L-5.1, s.307.

Repair, etc., of Crown owned heritage property

56 The minister may provide for the restoration, repair or alteration of any Provincial Heritage Property owned by the Crown.

1979-80, c.H-2.2, s.56.

Rescinding of protected Crown property

57(1) The minister may rescind an order made pursuant to subsection 55(1) after publishing a notice of his intention to do so:

- (a) in the Gazette; and
- (b) in a newspaper having general circulation in the area in which the affected property is situate once a week for two consecutive weeks at least 60 days prior to the making of the revocation, and inviting the submission of written briefs on the issue.

(2) Where a person objects to a revocation pursuant to subsection (1), sections 40, 42 and 43 apply, *mutatis mutandis*, to an objection under this section.

(3) As soon as the minister makes an order pursuant to subsection (1) with respect to real property, he shall register an interest based on the order in the Land Titles Registry.

1979-80, c.H-2.2, s.57; 2000, c.L-5.1, s.308.

Minister's order

58(1) The minister may, by order:

- (a) provide, subject to any terms and conditions that he may specify, for the issuance of permits to conduct research on Provincial Heritage Property;
- (b) **Repealed.** 1989-90, c.54, s.2.
- (c) **Repealed.** 1989-90, c.54, s.2.
- (d) specify the terms, times and conditions under which the public shall have access to any Provincial Heritage Property owned by the Crown;
- (e) **Repealed.** 1989-90, c.54, s.2.
- (f) delegate any of the powers or duties assigned to him by this Act or the regulations to any person that he specifies;
- (g) appoint any officers that he considers necessary for the purposes of this Act.

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- (2) The minister may make regulations:
- (a) governing standards of maintenance of Provincial Heritage Property owned by the Crown;
 - (b) governing the recording and operation of Provincial Heritage Property and, in the case of moveable heritage property, the conditions under which it is to be kept, stored and displayed by the Crown or by private groups or individuals entrusted with the custody of that property;
 - (c) prescribing any matter that the minister considers necessary for the proper operation, management, conservation and development of Provincial Heritage Property owned by the Crown.

1979-80, c.H-2.2, s.58; 1989-90, c.54, s.2.

Easements and covenants

59(1) Any easement or covenant entered into by:

- (a) the minister;
- (b) the municipality in which the property is situate; or
- (c) any other heritage or historical organization approved by the minister;

that has as its purpose the protection of heritage property, is to be registered as an interest based on the easement or covenant in the Land Titles Registry against the title of the property affected.

(2) An application to register an interest based on an easement or covenant entered into pursuant to subsection (1) must include a certificate of the minister or of the municipality that has entered into that easement or covenant, stating that the purpose of the easement or covenant is the protection of heritage property.

(3) Where an interest based on an easement or covenant is registered pursuant to subsection (1), the easement or covenant runs with the property and is enforceable by the holder of the easement or covenant, whether the easement or covenant is positive or negative in nature, against the registered owner or any subsequent registered owner of the property, even though the holder of the easement or covenant owns no other land that would be accommodated or benefitted by the easement or covenant.

(4) Any easement or covenant described in subsection (1):

- (a) may be assigned to any of the entities described in subsection (1); and
- (b) continues to run with the property;

and the assignee may enforce the easement or covenant.

(5) Upon dissolution of any municipal authority or any organization mentioned in subsection (1), any easement or covenant described in that subsection and held by it is thereupon vested in the minister.

1979-80, c.H-2.2, s.59; 2000, c.L-5.1, s.309.

60 Repealed. 1983-84, c.39, s.17.

PART V
Heritage Property Conservation

Interpretation

61 In this Part, “**permit**” means an investigation permit issued pursuant to section 67.

1993, c.26, s.9.

Inspection of property

62(1) The minister may authorize any person as an officer to enter, at any reasonable hour and after reasonable notice to the occupant:

- (a) any lands, for the purpose of:
 - (i) making a survey of heritage property; or
 - (ii) inspecting any site which the minister has reason to believe he may wish to designate as Provincial Heritage Property; and
- (b) any Provincial Heritage Property for the purpose of examining, surveying or recording the site or carrying out excavations and works required for the preservation or development of the site as a heritage resource.

(2) Where entry pursuant to subsection (1) is refused, the minister may apply, without notice, to the Court of Queen’s Bench, and the court may issue an order authorizing the minister or officer to enter any land, premises or other place.

1979-80, c.H-2.2, s.62; 1980-81, c.76, s.10; 2018, c.42, s.26.

Impact assessment

63(1) Notwithstanding any other Act, where the minister is of the opinion that any operation or activity which may be undertaken by a person is likely to result in the alteration, damage or destruction of heritage property, he may require that person to:

- (a) carry out an assessment to determine the effect of the proposed operation or activity on that heritage property;
- (b) prepare and submit to the minister a report containing the assessment mentioned in clause (a); and
- (c) undertake any salvage, preservation or protective measures, or any other action, that the minister may specify.

(2) Notwithstanding any other Act, the minister may, in making an order pursuant to subsection (1), require any municipality or other authority to withhold or suspend any permit or other authorization related to the activity covered in the order until the person has, to the satisfaction of the minister, complied with subsection (1).

1979-80, c.H-2.2, s.63.

Sites of special nature

64(1) Notwithstanding the other provisions of this Act, no person shall destroy, desecrate or deface any pictograph, petroglyph, human skeletal material, burial object, burial place or mound, boulder effigy or medicine wheel.

(2) No person shall remove, excavate, or alter any pictograph, petroglyph, human skeletal material, burial object, burial place or mound, boulder effigy or medicine wheel except as authorized by a subsisting permit from the minister.

1979-80, c.H-22, s.64.

Human skeletal material

65(1) All buried human skeletal material not found in a recognized cemetery or otherwise identified is the property of the Crown.

(2) All excavated or naturally exposed human skeletal material shown to predate 1700 A.D. is to be forwarded to the minister for reinterment following scientific examination or any use for research or educational purposes that the minister shall decide.

(3) All excavated or naturally exposed Amerindian skeletal material post-dating 1700 A.D. is to be made available to the Indian Band Council nearest the discovery site for disposition following scientific examination or any use for research or educational purposes that the minister shall decide.

(4) All excavated or naturally exposed human skeletal material postdating 1700 A.D. other than that mentioned in subsection (3) is to be reinterred by the minister in the nearest cemetery following scientific examination or any use for research or educational purposes that the minister shall decide.

1979-80, c.H-2.2, s.65.

Interpretation

66 In sections 66.1 and 66.2, “**vertebrate palaeontological object**” means:

- (a) the skeletal remains; or
- (b) the traces of activity;

of a vertebrate animal that lived prior to January 1, 1885.

1993, c.26, s.10.

Ownership of objects

66.1(1) Every archaeological object or vertebrate palaeontological object found in or taken from land in Saskatchewan on or after November 28, 1980 is deemed to be the property of the Crown.

(2) Every palaeontological object, other than a vertebrate palaeontological object, found in or taken from land in Saskatchewan after the coming into force of this section is deemed to be the property of the Crown.

1993, c.26, s.10.

Registration of objects

66.2(1) Any person who has found in, or has taken from, land in Saskatchewan the following objects may apply to the minister for registration of those objects and shall provide to the minister any information the minister may require regarding those objects:

- (a) any archaeological object or vertebrate palaeontological object found or taken prior to November 28, 1980; or
 - (b) any palaeontological object, other than a vertebrate palaeontological object, found or taken prior to the coming into force of this section.
- (2) The minister may register an object mentioned in subsection (1) where the minister is satisfied that:
- (a) the archaeological object or vertebrate palaeontological object was found in or taken from land in Saskatchewan prior to November 28, 1980; or
 - (b) the palaeontological object, other than a vertebrate palaeontological object, was found in or taken from land in Saskatchewan prior to the coming into force of this section.
- (3) The minister shall maintain a register of archaeological and palaeontological objects found in or taken from land in Saskatchewan.
- (4) An object registered with the minister pursuant to section 66 of this Act as that section existed immediately prior to the coming into force of this section is deemed to be registered pursuant to this section.
- (5) A registration of an object pursuant to subsection (2) or (4) shall, as between the Crown and the person in whose name the object is registered, be proof that the person is the owner of the object.
- (6) The minister may revoke the registration of an object pursuant to this section where the minister is satisfied that:
- (a) the registration was fraudulently obtained;
 - (b) the applicant for registration misrepresented or failed to disclose any material fact;
 - (c) the registration was made in error; or
 - (d) the object is not one that is entitled to be registered pursuant to this section.
- (7) No person shall buy, sell, offer for sale, trade, or otherwise dispose of or remove from Saskatchewan any archaeological object or palaeontological object found in or taken from land in Saskatchewan without the written permission of the minister.

Research permit

67(1) No person shall, for the purpose of collecting from, researching or otherwise managing heritage property:

- (a) carry out a survey;
- (b) make collections; or
- (c) conduct excavations or other activities;

which may disturb or dislocate archaeological or palaeontological objects unless the person holds a valid and subsisting investigation permit issued pursuant to this section.

(2) The minister may:

- (a) issue an investigation permit authorizing the person named in the permit to do any of the things mentioned in subsection (1) on the land in Saskatchewan described in the permit;
- (b) make the issuance of a permit subject to any terms and conditions respecting supervision and reporting or any other terms and conditions that he may prescribe;
- (c) limit the time within which the permit holder may carry out his operations.

(3) The holder of a permit issued under subsection (2) shall:

- (a) within any time that may be specified in the permit, furnish to the minister a progress report on the work done pursuant to the permit in any detail that the minister may require;
- (b) upon completion of the excavation, restore the site insofar as it is reasonably possible to do so, unless the minister otherwise specifies; and
- (c) deliver to the minister or to any public institution that the minister may designate, possession of any archaeological or palaeontological objects recovered while collecting or excavating pursuant to the investigation permit.

(4) The minister may appoint the holder of a permit or any other person to be the custodian of the recovered objects and materials subject to any conditions the minister may impose.

(5) No permit is transferable.

1979-80, c.H-2.2, s.67; 1993, c.26, s.11.

Appeal of minister's decision

68(1) The minister may refuse to issue or renew a permit or may cancel a permit at any time if in his opinion:

- (a) the applicant or holder of the permit is not competent to conduct exploration or field work in a responsible manner in accordance with the Act and the regulations; or
- (b) the past conduct of the applicant or holder of the permit affords reasonable grounds for belief that the exploration or field work will not be carried out in accordance with this Act and the regulations.

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(2) Where the minister refuses to grant or renew a permit, he shall serve notice of his decision, together with written reasons, on the applicant or permit holder, as the case may be.

(3) A notice under subsection (2) must inform the applicant or permit holder, as the case may be, that he may request a hearing by the review board by mailing or delivering a notice of that request to the minister within 15 days after the notice under subsection (2) is served on him.

(4) Where an applicant or permit holder requests a hearing pursuant to subsection (3), the minister shall refer the matter to the review board for a hearing and report.

(5) Sections 14 and 15 apply, *mutatis mutandis*, to a hearing under subsection (4).

(6) As soon as he considers the report mentioned in subsection (4), the minister may, without a further hearing:

- (a) refuse to grant or renew the permit;
- (b) grant or renew the permit; or
- (c) take any action that he considers proper in accordance with this Part and the regulations;

and the decision of the minister is final.

(7) If an applicant or a permit holder feels himself aggrieved by a decision of the minister pursuant to subsection (6), he may appeal, on a question of fact or law, to the Court of Queen's Bench.

(8) Notwithstanding subsection (2), the minister may cancel a permit at the written request, in the form prescribed in the regulations, of the holder of the permit and the permit holder shall surrender his permit.

1979-80, c.H-2.2, s.68; 2018, c 42, s.65.

Suspension of a permit

69(1) The minister may, by notice to a permit holder and without a hearing, provisionally refuse renewal of, suspend or revoke a permit for 30 days where, in the minister's opinion:

- (a) it is necessary for the immediate protection and preservation of any property or object for the purposes of this Part; or
- (b) the continuation of exploration or field work under the permit is an immediate threat to the public interest.

(2) A notice mentioned in subsection (1) must state the reasons for the refused renewal, suspension or revocation, and section 68 applies as if that notice were a notice under subsection 68(2).

1979-80, c.H-2.2, s.69.

Permit applications

70(1) A permit does not entitle its holder to enter upon the land described in the permit unless:

- (a) the holder has the permission of the registered owner or occupier of the land; and
- (b) where the land is owned by the Crown, the holder obtains the permission of the minister responsible for the administration of that land.

(2) No liability attaches to the Crown or the minister by reason of the issuance or cancellation of a permit.

1979-80, c.H-2.2, s.70.

Fortuitous discovery

71(1) Any person, other than a holder of subsisting permit, who discovers a previously unknown site containing archaeological or palaeontological objects shall, within 15 days of his discovery, notify the minister.

(2) The minister shall provide suitable recognition to any person reporting a discovery mentioned in subsection (1).

(3) Where the minister receives notice pursuant to subsection (1) and is of the opinion that the activity during which the discovery was made is one in respect of which he will require action pursuant to section 63, he shall so notify the person within 72 hours of his receipt of the notice.

1979-80, c.H-2.2, s.71; 1983-84, c.39, s.19; 1993, c.26, s.12.

PART V.1 Geographic Names

Geographic names continued

71.01 The authorized name of any geographic feature in Saskatchewan is the name that:

- (a) was approved pursuant to *The Geographic Names Board Act*, as that Act existed before the coming into force of this section; or
- (b) is approved or changed by the minister pursuant to section 71.03.

2010, c.21, s.5.

Duties – geographic names

71.02 The Foundation shall:

- (a) review nominations submitted to the minister for a name of, or for a change of name of, any geographic feature in Saskatchewan;

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- (b) recommend to the minister for approval the name of a geographic feature in Saskatchewan; and
- (c) advise and make recommendations to the minister on any other matters relating to the name of a geographic feature in Saskatchewan.

2010, c.21, s.5.

Use of approved geographic name

71.03(1) The minister may approve a name for, or a change of name for, a geographic feature in Saskatchewan recommended by the Foundation.

(2) A name approved pursuant to subsection (1) must:

- (a) along with the location of the geographic feature, be published in *The Saskatchewan Gazette* by the minister; and
- (b) be used by all government ministries and agencies in the preparation of maps and other publications.

2010, c.21, s.5.

Powers – geographic names

71.04 The minister may:

- (a) gather, collate and record information respecting names of geographic features within Saskatchewan;
- (b) consult with and advise the following with respect to the suitability of proposed names of geographic features within Saskatchewan:
 - (i) government ministries and agencies;
 - (ii) municipalities;
 - (iii) any other bodies or persons concerned with the selection of names;
- (c) collaborate with the Geographical Names Board of Canada respecting:
 - (i) the selection of new names;
 - (ii) the elimination of alternative or duplicated names;
 - (iii) the correct or preferred spelling of established names; and
 - (iv) any other matters respecting the names; and
- (d) supply information regarding the names of geographic features to:
 - (i) government ministries and agencies;
 - (ii) cartographers;
 - (iii) publishers; and
 - (iv) any other persons engaged in the preparation of maps or other publications intended for official public use.

2010, c.21, s.5.

Limitation of effect

71.05 No statute, regulation, order, contract, summons, information, writ or other document affecting legal rights is invalid merely by reason of the use of a name of a geographic feature that has not been approved by the minister pursuant to section 71.03.

2010, c.21, s.5.

PART VI
General

Exemption of certain property from designation

71.1(1) If the minister is of the opinion that a designation or intended designation of any real property as Provincial Heritage Property or Municipal Heritage Property or as a Municipal Heritage Conservation District would preclude proceeding with a development project that is of major significance to and benefit for the people of Saskatchewan, he may, by order, exempt that real property from such designation.

(2) The minister shall, prior to making an order pursuant to subsection (1), refer the matter to the review board for a hearing and report.

(3) Sections 14 and 15 apply *mutatis mutandis* to a hearing held pursuant to this section.

1983-84, c.39, s.20; 1993, c.26, s.13.

Powers of officer

72(1) An officer may require any person who is, or who the officer has reasonable grounds to believe is, engaged in any activity for which a permit or consent is required by this Act, to produce the permit or consent which authorized that activity, and every person to whom a request is made shall immediately comply with the request.

(2) An officer may seize, from any person whom he finds committing, or whom he has reasonable grounds to believe is committing, an offence against this Act, any tool, implement or other thing being used, or which the officer has reasonable grounds to believe is being used, in the commission of the offence.

(3) An officer may seize from any person any thing held, or which the officer has reasonable grounds to believe is being held, in contravention of this Act.

1979-80, c.H-2.2, s.72.

Penalties

73(1) Any person who contravenes any provision of this Act or the regulations, or any order or direction made or given pursuant to this Act or the regulations, is guilty of an offence and liable on summary conviction:

(a) in the case of a corporation, to a fine of not more than \$250,000;

(b) in the case of an individual, to a fine of not more than \$5,000, to imprisonment for a term of not more than six months or to both such fine and imprisonment.

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(2) A person who is convicted of an offence mentioned in subsection (1) owes, as a debt to the minister or to the affected municipality, in the case of Municipal Heritage Property or property within a Municipal Heritage Conservation District, all sums reasonably expected to be expended for the restoration of any heritage property damaged or altered during or as a consequence of the commission of the offence, and that debt may be recovered by action at the suit of the minister or the municipality, as the case may be.

1979-80, c.H-2.2, s.73; 1993, c.26, s.14.

Service of notice

74(1) Any notice required by this Act or the regulations to be given is, unless otherwise provided for, to be served personally or mailed by registered mail to the last known address of the person being served.

(2) A notice served by registered mail is deemed to have been received on the third day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of his own, he did not receive the notice or that he received it at a later date.

1979-80, c.H-2.2, s.74.

Property deemed not injuriously affected

75 No property is deemed to be injuriously affected or to suffer any diminution in value and no person is deemed to suffer any damages by reason of the adoption of a municipal or provincial designation of heritage property.

1979-80, c.H-2.2, s.75.

Exemption from safety standards

76 The Lieutenant Governor in Council may, by order, exempt any Provincial Heritage Property or Municipal Heritage Property or property within a Municipal Heritage Conservation District from the application of any provision contained in any fire or building code regulation, whether that regulation is enacted by or pursuant to an Act, regulation or municipal bylaw.

1979-80, c.H-2.2, s.76; 1993, c.26, s.15.

Previously designated property

77 Any property designated immediately prior to the coming into force of this Act pursuant to *The Saskatchewan Heritage Act* is, upon the coming into force of this Act, deemed to be Provincial Heritage Property.

1979-80, c.H-2.2, s.77.

Expenses

78 With the exception of the expenses incurred by municipalities, all expenses incurred in the administration of this Act are to be paid out of moneys appropriated by the Legislature for the purpose.

1979-80, c.H-2.2, s.78.

Powers of Lieutenant Governor in Council

79 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations:

- (a) respecting the review board;
- (b) prescribing forms to be used and procedures to be followed in the carrying out of the functions of the review board;
- (c) defining any word or expression used in this Act but not defined in this Act;
- (c.1) defining any forms of preserved remains or traces of multicellular organisms that are not included within the definition of palaeontological object pursuant to clause 2(n.1);
- (d) prescribing the form for the purposes of subsection 68(8);
- (d.1) respecting the disposition of heritage property that is the property of the Crown, including the exclusion of any heritage property or category of heritage property from sale, lease or exchange or other disposition;
- (d.2) for the purposes of section 5.1, prescribing activities and programs that the Foundation may undertake;
- (e) respecting any matter that he considers necessary or advisable to carry out the intent and purpose of this Act.

1979-80, c.H-2.2, s.79; 1993, c.26, s.16; 2010, c.21, s.5.

Act binds Crown

80 The Crown is bound by this Act.

1979-80, c.H-2.2, s.80.

R.R.S. 1978, c.S-22 repealed

81 *The Saskatchewan Heritage Act* is repealed.

1979-80, c.H-2.2, s.81.

Coming into force

82 This Act or any of the provisions of this Act come into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1979-80, c.H-2.2, s.82.

