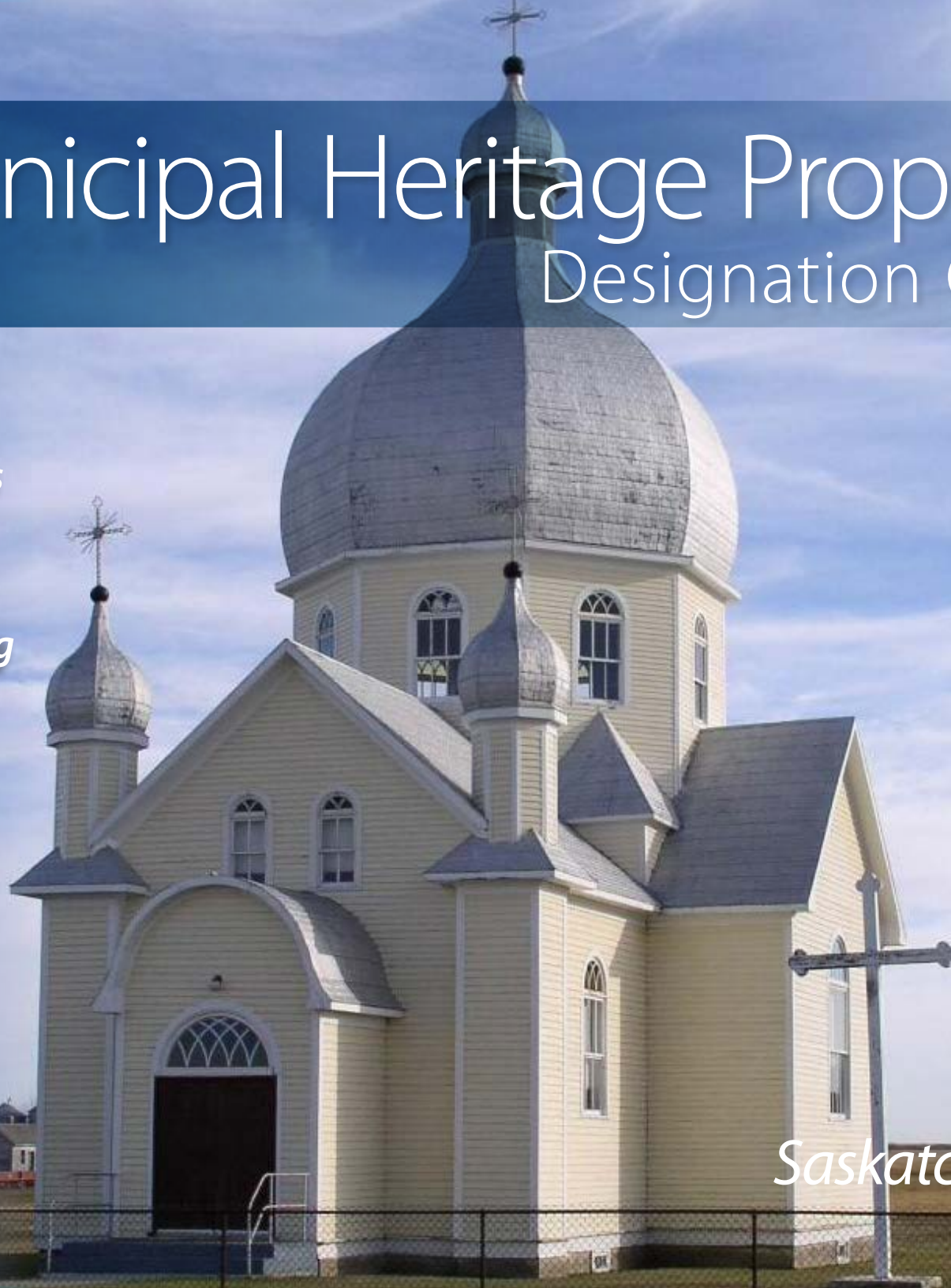


Municipal Heritage Property Designation Guide

Municipal Heritage Property designation enables communities to recognize and protect local heritage. Conserving historic places creates a lasting legacy for the use, benefit and enjoyment of present and future generations.



Saskatchewan 

Municipal Heritage Property Designation Guide

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Our heritage is what we value from the past and what we preserve for future generations. It reflects our collective history, defines the places where we live and work, and gives communities their unique identity.

Recognizing and protecting places that have heritage value is an important part of planning for the future. By retaining heritage buildings, structures, and landscapes, we not only retain the character of our communities, we also contribute to their social, economic, and environmental sustainability.

Produced by the Heritage Conservation Branch of the Ministry of Parks, Culture and Sport this document outlines the key steps involved in Municipal Heritage Property designation under *The Heritage Property Act*.

This guide is intended for municipal councils and staff, heritage committees, and other organizations or individuals that want to learn more about heritage conservation in Saskatchewan. It will also provide answers to common questions about designation and suggest how to make designation and heritage property management as easy as possible.

Please Note:

This information is intended as a guide to Municipal Heritage Property designation; it is not a substitute for the legislation or legal advice. Please consult *The Heritage Property Act* for further details on designation procedures.

Burton Barn, RM of Glen Bain Government Of Saskatchewan, Robertson, 2007



**Ministry of Parks, Culture and Sport
Heritage Conservation Branch,
2nd Floor – 3211 Albert Street
Regina, Saskatchewan S4S 5W6**

Introduction

Did you know?

Saskatchewan municipalities have designated over 800 heritage properties since 1980.

Saskatchewan Register of Heritage Property

<http://applications.saskatchewan.ca/heritage-property-search>

The Canadian Register of Historic Places is an online listing of formally recognized historic places across Canada.

www.historicplaces.ca

The Heritage Property Act provides for the preservation, interpretation, and development of heritage resources in Saskatchewan. Any building, structure, or site that is significant for its cultural, historical, architectural, environmental, archaeological, palaeontological, scientific, or aesthetic value may be designated as heritage property.

This enabling legislation empowers municipal governments to designate, by bylaw, places as Municipal Heritage Property. Municipalities play a key role in recognizing, protecting, conserving, and promoting heritage in their communities.

What Designation Does

Publicly and formally RECOGNIZES a property's heritage value.

- A property's heritage value is formally recognized in the community through public notice and a designation bylaw. Once designated, the property is further recognized by its listing on both the *Saskatchewan Register of Heritage Property* and the *Canadian Register of Historic Places*.

Legally PROTECTS the property's heritage value.

- A heritage interest is registered on the property's title, which protects it from unauthorized changes and unauthorized demolition. The municipality ensures that any proposed alterations or changes will not significantly impact the heritage value and character-defining elements of the property.

Encourages GOOD STEWARDSHIP.

- Historic places are community assets that benefit everyone. Careful and responsible management of these assets can provide social, economic, and environmental benefits to communities, and creates a lasting legacy for the future.

Makes a property eligible for FINANCIAL ASSISTANCE.

- A property must be designated to be eligible for cost-shared heritage conservation grants from the Saskatchewan Heritage Foundation. In most cases, designation is also an eligibility requirement by municipalities that offer heritage conservation incentives.

Designation Does Not

- restrict the use or ownership of a property;
- require it to become a museum;
- require it to be frozen in time;
- require it to be restored to its original purpose;
- obligate the owner to open it to the public.

Terms

Heritage Value: The aesthetic, historic, cultural, social or spiritual significance for past, present or future generations.

Character-defining Element: The materials, forms, location, spatial configurations, uses, and cultural associations or meanings that contribute to the heritage value of a historic place and which must be retained in order to preserve its heritage value.

Did you know?

Council can create a Municipal Heritage Advisory Committee to advise on designation and other heritage matters.

Prince Albert Town Hall/Opera House, Prince Albert, Government of Saskatchewan, Flaman, 2006



The Process

Step 1

Initiating the Process

Any person, community group, or other interested party can ask their municipal council to consider a property for Municipal Heritage Property designation. A council, municipal administration, or Municipal Heritage Advisory Committee (if established) may also initiate a designation.

Before proceeding, it is important to understand the heritage value of the property and why it should be designated. This will inform the reasons for designation on the notice of intention to designate [Step 2] and on the subsequent designation bylaw [Step 3].

The Property Owner

It is good practice to contact the property owner prior to serving them with the notice of intention to designate, especially if they did not initiate the designation request. This courtesy gives the owner an opportunity to discuss the matter and to be made aware of the benefits and implications of designation.

Step 2

Preparing and Serving the Notice of Intention to Designate

The notice of intention gives public notice of a municipality's intention to designate a Municipal Heritage Property. It provides for a period of public review and allows any objections to the proposed designation to be heard.

A notice of intention includes:

- the legal description of all property to be included in the bylaw;
- the civic address, if applicable; and
- the reasons for designation.

As part of the public notification process, the notice of intention must be:

- served on the property owner(s);
- published in a local newspaper;
- registered as an interest in the Land Titles Registry against all parcels of land included in the proposed designation; and
- sent to the Heritage Conservation Branch, Ministry of Parks, Culture and Sport.

Following registration of the interest on title, the notice of intention grants the property all protections of designation for 120 days.

Step 3

Passing and Registering the Designation Bylaw

Following the date of the last service, publication, or registration of the notice of intention, a minimum 30-day waiting period is required before passing the designation bylaw. Provided no formal objections have been received during this waiting period, council may then vote on and pass a bylaw to designate Municipal Heritage Property.

The bylaw must contain:

- the legal description of all property included in the bylaw;
- the civic address, if applicable; and
- the reasons for designation [see page 9].

Once the bylaw is passed, council must: serve a notice of designation on all property owners;

- register an interest in the Land Titles Registry against all parcels of land included in the proposed designation; and
- serve a certified copy of the bylaw to the Heritage Conservation Branch.

Step 4

Listing the Property in the Municipal Register

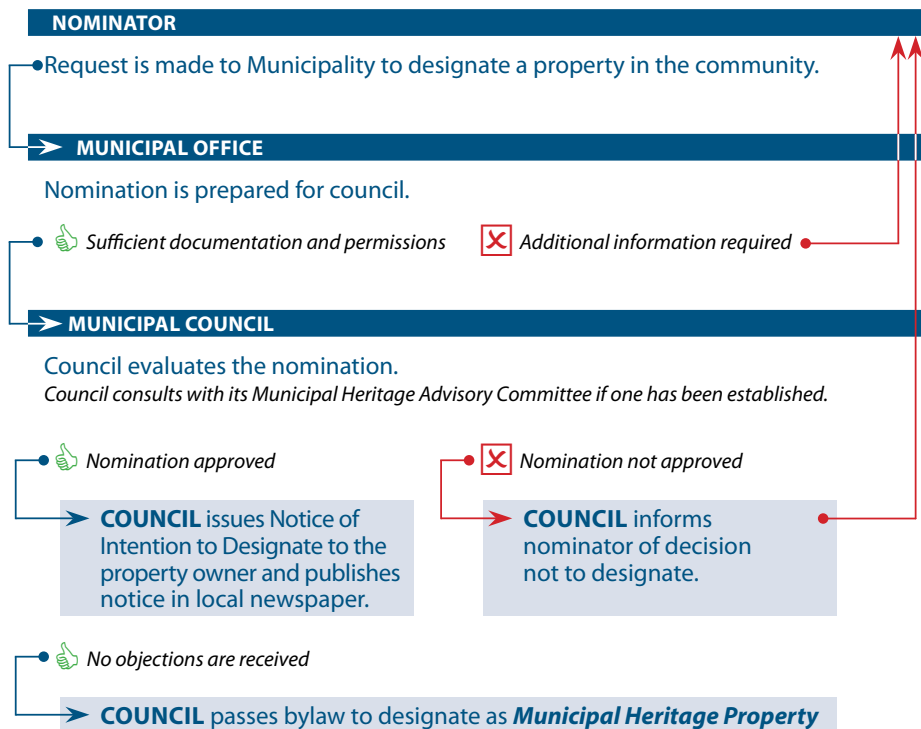
The municipality must keep a register of its municipally designated property. The register must include:

- the legal description of each property;
- the civic address, if applicable;
- the name and address of the registered property owner(s); and
- the reasons for designation.

There's nothing wrong with change...

...as long as it is sensitive change. On-going use of heritage buildings is important to their long-term viability. This may mean continuing to use the building as it was originally intended, or adapting the property to a new, contemporary use. What is important is that the elements that make the property significant are maintained and incorporated into the new use. Properties change over time. Designation works to protect and conserve heritage character-defining elements while accommodating change.

How it works



Reasons for designation

A designation bylaw should clearly and fully describe why the historic place is being designated. Clearly articulated reasons for designation will:

- explain for the public record why the property is valued; and
- help the municipality regulate future alterations to the property.

The reasons for designation should speak to why the property is valued by the community. Questions to consider when thinking about a property's heritage value might include:

- Is it associated with important people or events in the community's history?
- Does it represent an important theme in the community's social, political, economic, or industrial past?
- Was it an important community gathering place?
- Is it important for cultural or spiritual reasons?
- Is it important for architectural or aesthetic reasons?
- Was it the first of its kind?
- Does its age or rarity contribute to its heritage value?

Clearly-stated reasons for designation will also help a municipality make objective decisions about proposed changes to the property. For example, St. John the Baptist Ukrainian Greek Catholic Church [see front cover] was designated a Municipal Heritage Property for its association with the local Ukrainian community, its status as the oldest building in the community and its distinctive architectural style. Because the bylaw lists clear reasons for designation, council is better able to determine the physical features which should be closely regulated in order to protect these heritage values. In this case, the building's cruciform layout, onion-shaped domes, stained glass windows, and belfry are some of the character-defining elements that council should consider when approving proposed changes to the building.

Administrators: Don't forget...

...to register the interests on the title(s), which protects the heritage property from unauthorized changes and unauthorized demolition.

If the interest does not appear on the title, the designation is not considered legally valid. It will not be listed on the Saskatchewan Register of Heritage Property, and may not be eligible for funding from the Saskatchewan Heritage Foundation.

Objections to Designation

Heritage property designation is a public process. The 30-day waiting period between the notice of intention and the designation bylaw is an essential part of the process that allows objections to be heard. Formal objections, although rare, typically arise because of misunderstandings about what designation means. A notice of intention



Monument, RM of Buchanan
Government Of Saskatchewan, Thome, 2005

that clearly articulates what is being designated and why will help avoid public objections and even build community support.

Anyone who formally objects to a proposed designation must serve council with clear reasons for the objection at least three days before council votes on the designation bylaw.

If council receives an objection, it must either:

- refer the matter to the Review Board of the Saskatchewan Heritage Foundation for a public hearing; or
- withdraw the proposed bylaw.

Prior to deciding between these two options, council is encouraged to work with the parties to try to reach consensus on any issues. Heritage Conservation Branch officials are available to offer assistance or advice in this process.

Regulating Municipal Heritage Property

Conserving a property's heritage value means protecting and retaining its character-defining elements. Proposed alterations to the property that affect these physical elements must be approved by council.

The *Standards and Guidelines for the Conservation of Historic Places in Canada* is a key resource that will help local authorities determine if proposed alterations to a heritage property are appropriate. The nationally recognized *Standards and Guidelines* provide sound, practical advice, including “recommended”

and “not recommended” approaches to heritage conservation, helping to take the guess work out of heritage property regulation.

Under both *The Heritage Property Act* and the *Planning and Development Act*, 2007, municipalities can also support the heritage value of a designated property by controlling various building and streetscape elements of neighboring properties. For example, encouraging façade design, signage, lighting, landscaping, or other development that is complementary to the form, materials, and look of the designated property will contribute to an overall sense of place.



Crippled Creek Crossing Site, RM of Gravelbourg
Government of Saskatchewan, Thomas, 2004

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saskatchewan.ca

Ministry of Parks, Culture and Sport: Saskatchewan.ca/heritage
Information Services Corporation: www.isc.ca
Saskatchewan Heritage Foundation: www.saskheritagefoundation.com
Historic Places Initiative: www.historicplaces.ca

Saskatchewan!