

1979-80

CHAPTER H-2.2

An Act to provide for the Preservation, Interpretation and
Development of Certain Aspects of Heritage Property in Saskatchewan

TABLE OF CONTENTS

| | | | |
|----|---|----|---|
| | PART I | 26 | Expropriation |
| | SHORT TITLE | 27 | Delegation |
| 1 | Short title | 28 | Powers of a municipality |
| | INTERPRETATION | 29 | Easements |
| 2 | Interpretation | 30 | Derelection of Municipal Heritage Property |
| | HERITAGE CONSERVATION, PROTECTION AND PRESERVATION | 31 | Sale of Municipal Heritage Property |
| 3 | Powers of minister | 32 | Power of inspection |
| 4 | Temporary stop order | 33 | Protection of property pending designation and designated property |
| 5 | Saskatchewan Heritage Advisory Board | 34 | Potential heritage conservation district |
| 6 | Saskatchewan Heritage Property Review Board | 35 | Designation of heritage conservation district |
| 7 | Duties of the review board | 36 | Effect of designation as heritage conservation district |
| | PART III | 37 | Permission to designate more than once |
| | DESIGNATION OF PROPERTIES BY MUNICIPALITIES | | PART IV |
| 8 | Interpretation | | DESIGNATION OF PROPERTIES BY THE PROVINCE |
| 9 | Register | 38 | Interpretation, "scientific property" |
| 10 | Municipal Heritage Advisory Committee | 39 | Designation of real Provincial Heritage Property |
| 11 | Designation of Municipal Heritage Property | 40 | Objection to proposed designation |
| 12 | Form of bylaw | 41 | Order <i>re</i> designation of real property |
| 13 | Objection to proposed designation | 42 | Hearing before review board |
| 14 | Hearing before review board | 43 | Order after hearing |
| 15 | Report of review board | 44 | Effect of designation |
| 16 | Council to consider report | 45 | Designation of personal Provincial Heritage Property |
| 17 | Repeal of a bylaw at instance of council | 46 | Objection to proposed designation |
| 18 | Objection to repeal of bylaw | 47 | Order <i>re</i> designation of personal property |
| 19 | Deletion from register | 48 | Hearing before review board |
| 20 | Appeal after designation | 49 | Order after hearing |
| 21 | Repeal of bylaw at instance of owner | 50 | Effect of designation |
| 22 | Limitation on further appeal | 51 | Derelection of Provincial Heritage Property |
| 23 | Demolition and alteration of designated property | 52 | Sale of Provincial Heritage Property |
| 24 | Publication on repeal of bylaw | 53 | Revocation of designation |
| 25 | Notice by land titles office | 54 | Application for revocation of designation |

| | | | |
|----|---|----|--|
| 55 | Crown owned Provincial Heritage Property | 69 | Suspension of a permit |
| 56 | Repair, etc., of Crown owned heritage property | 70 | Permit implications |
| 57 | Rescinding of protected Crown property | 71 | Fortuitous discovery |
| 58 | Minister's order | | PART VI |
| 59 | Easements and covenants | | GENERAL |
| 60 | Expropriation | 72 | Powers of officer |
| | PART V | 73 | Penalties |
| | ARCHAEOLOGICAL AND SCIENTIFIC RESOURCE CONSERVATION | 74 | Service of notice |
| 61 | Interpretation, "permit" | 75 | Property deemed not injuriously affected |
| 62 | Inspection of property | 76 | Exemption from safety standards |
| 63 | Impact assessment | 77 | Previously designated property |
| 64 | Sites of a special nature | 78 | Expenses |
| 65 | Human skeletal material | 79 | Powers of Lieutenant Governor in Council |
| 66 | Crown property | 80 | Act binds Crown |
| 67 | Research permit | 81 | Rev. Stat. c.S-22 repealed |
| 68 | Appeal of minister's decision | 82 | Coming into force |

(Assented to June 17, 1980)

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

PART I

SHORT TITLE

Short title

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

INTERPRETATION

Interpretation

- 2** In this Act:

"advisory board"

- (a) "advisory board" means the Saskatchewan Heritage Advisory Board established under section 5;

"advisory committee"

- (b) "advisory committee" means a Municipal Heritage Advisory Committee established under section 10;

"alter"

- (c) "alter" means to change in any manner, and includes to restore, renovate, repair or disturb;

“archaeological object”

(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;

“council”

(e) “council” means the council of a municipality and includes a local community authority acting on behalf of a northern community area established under *The Northern Administration Act* and the Minister of Northern Saskatchewan acting on behalf of those lands in the Northern Saskatchewan Administration District that do not form part of a northern community area;

“Crown”

(f) “Crown” means:

(i) Her Majesty in right of Saskatchewan; or

(ii) any agent of Her Majesty in right of Saskatchewan, and includes the Workers Compensation Board;

“designated”

(g) “designated” means designated as Municipal Heritage Property or Provincial Heritage Property, as the context requires;

“excavation”

(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;

“heritage property”

(i) “heritage property” means any property, whether a work of nature or of man, that is of interest for its architectural, historical, cultural, environmental, aesthetic or scientific value, and includes a site where architectural, historical, cultural or scientific property is or may reasonably be expected to be found;

“inspect”

(j) “inspect” includes to survey, photograph, measure and record;

“minister”

(k) “minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“municipality”

(l) “municipality” means a city, town, village, rural municipality, The Municipal Corporation of Uranium City and District, a northern community area established under *The Northern Administration Act* or a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 69 of that Act;

“officer”

(m) “officer” means a police officer or a person appointed by the minister as an officer for the purposes of this Act;

“owner”

(n) “owner” means a person who has an estate, term, easement right or interest in, to, over or affecting any property;

“review board”

(o) “review board” means the Saskatchewan Heritage Property Review Board established under section 6;

(p) “site” includes any parcel of land or remains of any building or structure;

“stratotype”

(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) “vertebrate palaeontological object” means the skeletal remains or the traces of activity of vertebrate animals that lived prior to 1885 A.D.

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 or otherwise dispose of any heritage property acquired pursuant to this Act, *The Saskatchewan Heritage Act* or *The Provincial Parks, Protected Areas, Recreation Sites and Antiquities Act*;
- (c) exhibit and display, within or outside the province, any heritage property acquired by the Crown under this Act or *The Saskatchewan Heritage Act*;
- (d) set any rate of fee for admission by the public to enter or view any Provincial Heritage Property acquired by the Crown under this Act, *The Saskatchewan Heritage Act* or *The Provincial Parks, Protected Areas, Recreation Sites and Antiquities Act*;
- (e) classify, preserve, index, inventory and catalogue heritage property and maintain a register of all property designated under 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 advisory board 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.

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 Her Majesty's Court of Queen's Bench for Saskatchewan, 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).

Saskatchewan Heritage Advisory Board

5(1) The minister may establish a board to be known as the Saskatchewan Heritage Advisory Board.

(2) The minister may, with respect to the advisory board:

- (a) appoint, or provide for the manner of appointment of, its members;
- (b) remove, or provide for the manner of removal of, its members;
- (c) designate a chairman and vice-chairman;
- (d) prescribe the term of office for any member;
- (e) authorize and provide for the payment of remuneration and expenses to its members.

(3) The advisory board shall advise and make recommendations to the minister on any matter relating to the conservation, protection and preservation of heritage property in the province.

Saskatchewan Heritage Property Review Board

6(1) The Saskatchewan Heritage Property Review Board is established consisting of at least three and not more than seven members to be appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall designate one of the members of the review board to be chairman of the review board.

(3) A member of the review board holds office for a term of three years and is eligible for reappointment for one additional term.

(4) The expenses of the review board are to be paid out of funds appropriated for the purpose by the Legislature.

- (5) No person otherwise engaged in the administration of this Act shall be a member of the review board.
- (6) There may be appointed pursuant to *The Public Service Act* any employees that are necessary for the proper conduct of the business of the review board.
- (7) Subject to the approval of the minister, the review board may engage persons to provide professional, technical and other assistance to the review board.
- (8) The minister may authorize honorariums and expenses to be paid to the members of the review board.

Duties of the review board

- 7(1) Subject to the other provisions of this Act and to the regulations, the review board shall hold any hearings and perform any duties that are assigned to it by this Act or the regulations and make any reports that are required.
- (2) No claims for compensation or any other monetary matters are to be considered by the review board.
- (3) Three members of the review board constitute a quorum.
- (4) A decision of the review board must:
 - (a) be in writing;
 - (b) state the reasons for the decision;
 - (c) be signed by the chairman of the review board, or if he did not hear the matter, by his delegate; and
 - (d) be sent by the review board to all parties who participated in the hearing and to any other person who requests it.

PART III

DESIGNATION OF PROPERTIES BY MUNICIPALITIES

Interpretation

8 In this Part:

“demolition”

- (a) “demolition” includes removal of the structure from the location on which it existed at the time of its designation under this Part;

“municipal official”

- (b) “municipal official” means the clerk of a city or town, the secretary treasurer of a village, the secretary or secretary treasurer of a rural municipality or the person authorized:
 - (i) by a local community authority on behalf of a northern community area; or
 - (ii) by the Minister of Northern Saskatchewan acting on behalf of those lands in the Northern Saskatchewan Administration District that do not form part of a northern community area;

“property”

- (c) “property” means any real property, whether a work of nature or of man, that is of interest for its architectural, historical or natural value.

Register

9(1) The municipal official shall keep a register of all Municipal Heritage Property in the municipality and the register must contain:

- (a) the legal description of the designated property or the land on which the designated property is situate;
- (b) the name and address of the owner of the property; and
- (c) the reason for the designation.

(2) The municipal official shall issue extracts from the register mentioned in subsection (1) to any person on payment of a fee to be determined by municipal bylaw.

(3) Upon the registration of a designation of property, the municipal official shall forward a certified copy of the designation to the minister.

Municipal Heritage Advisory Committee

10(1) Any council may, by bylaw, establish a Municipal Heritage Advisory Committee to advise and assist the council on any matter arising out of this Act or the regulations.

(2) An advisory committee shall consist of at least three members to be appointed by the council.

(3) The councils of a number of municipalities may, by bylaw of each of those municipalities, establish a joint advisory committee to advise those municipalities on any matters arising out of this Act.

Designation of Municipal Heritage Property

11(1) Any council may, by bylaw, designate, with any terms and conditions that council considers advisable, any property that is not subject to any other designation pursuant to this Act to be known as Municipal Heritage Property.

(2) Where a council wishes to designate property pursuant to subsection (1), it shall:

- (a) consult with the advisory committee, if one has been established;
- (b) give the owner of the affected property at least 30 days written notice of its intention and advise him of how and when he may respond to the proposed bylaw; and
- (c) publish a notice of its intention in at least two issues of a newspaper with general circulation in the municipality with the first publication at least 21 days prior to the date of consideration of the bylaw and with the last publication at least seven days prior to the date of that consideration.

Form of bylaw

12(1) A bylaw mentioned in subsection 11(1) is to be voted on by the council in regular or special meeting not less than 30 days from the date of service of the notice mentioned in clause 11(2)(b) and must contain:

- (a) an accurate description of the designated property; and
- (b) the reason for the designation.

(2) A copy of a bylaw passed pursuant to subsection (1) is to be served on the minister and the owner, and a certified copy of the bylaw is to be registered in the appropriate land titles office.

Objection to proposed designation

13(1) A person who objects to a proposed designation of property shall, at least three days prior to the council meeting mentioned in subsection 12(1), serve on the municipal official a notice of objection stating the reason for the objection and all relevant facts.

- (2) Upon receipt of a notice of objection pursuant to subsection (1), the council shall:
- (a) refer the matter to the review board for a hearing and report; or
 - (b) withdraw the notice of intention to designate the property by publishing a notice of the withdrawal in the manner described in clause 11(2)(c) and serving that notice on the minister and the owner of the property.

Hearing before review board

14(1) Where a matter is referred to the review board pursuant to clause 13(2)(a), it shall, as soon as practicable, hold a public hearing to determine whether the property in question should be designated, and the council, the owner, any person who has filed an objection pursuant to subsection 13(1) and any other persons that the review board may specify are parties to the hearing.

(2) The review board has all the powers that are conferred upon commissioners under *The Public Inquiries Act*.

(3) A hearing under subsection (1) is to be held at any place in the municipality that the review board may determine, and notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 10 days prior to the date of the hearing.

Report of review board

15(1) Within 30 days of a hearing under subsection 14(1), the review board shall report to the council:

- (a) its findings of fact;
 - (b) its recommendations as to whether or not the property should be designated under this Part; and
 - (c) any information or knowledge it has taken into account in reaching its recommendations.
- (2) The review board shall send a copy of its report to the parties to the hearing.
- (3) Failure to report within the time specified in subsection (1) does not invalidate the hearing.

Council to consider report

16 After consideration of the report under subsection 15(1), the council shall:

- (a) pass the bylaw designating the property; or
- (b) withdraw the notice of intention to designate the property by serving and publishing a notice of the withdrawal in the manner described in clause 11(2)(c) and serving that notice on the minister and the owner of that property;

and the decision of the council is final.

Repeal of a bylaw at instance of council

17(1) Where the council wishes to repeal or amend a bylaw designating property, it shall:

- (a) consult with the advisory committee, if one has been established;
- (b) serve notice of its intention on the owner of the property affected by the bylaw; and
- (c) publish a notice of its intention in the manner described in clause 11(2)(c).

(2) A notice of intention to repeal a bylaw must contain:

- (a) an accurate description of the property;
- (b) the reason for the proposed repeal of the bylaw; and
- (c) a statement that a notice of objection to the repeal of the bylaw may be served on the municipal official within 21 days of the date of the first publication of the notice.

Objection to repeal of bylaw

18(1) A person who objects to a proposed repeal of a bylaw designating property shall serve a notice of objection in accordance with subsection 13(1).

(2) Subsection 13(2) and sections 14 to 16 apply, *mutatis mutandis*, where a council intends to repeal a bylaw designating property.

Deletion from register

19 Where a council repeals a bylaw designating a property, it shall cause the municipal official to delete any reference to the property from the register described in section 9 and shall serve a notice of the repeal on the minister and the appropriate land titles office.

Appeal after designation

20(1) Subject to subsection (2), an owner of property designated under this Part may apply to the council of the municipality in which the property is situate to repeal the bylaw or part of the bylaw designating the property.

(2) No application shall be made under subsection (1) until the expiration of six months from the date of the bylaw.

(3) Upon consultation with its advisory committee, if one is established, the council shall consider an application under subsection (1) and within 90 days shall:

- (a) refuse the application and notify the owner of its decision; or
- (b) consent to the application and repeal the bylaw or part of the bylaw designating the property.

(4) Where the council refuses the application under clause (3Xa) the owner may, within 30 days from the date of receipt of the notice under that clause, apply to the council for a hearing before the review board, and the council shall refer the matter to the review board for a hearing and report.

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

Repeal of bylaw at instance of owner

21 Upon receipt of a report of a hearing held pursuant to subsection 20(4), the council may:

- (a) refuse the application and notify the owner; or
- (b) consent to the application and repeal the bylaw or part of the bylaw designating the property.

Limitation on further appeal

22 Where the council refuses an application under clause 20(3Xa), the owner of the property may not re-apply to repeal a bylaw or part of a bylaw designating property for one year from the date of service of the notice under that clause, except with the consent of the council.

Demolition and alteration of designated property

23(1) Subject to subsection (2), an owner of Municipal Heritage Property may apply to the council of the municipality in which the property is situate for approval to alter or demolish the property.

(2) No application for demolition under subsection (1) may be made until the expiration of six months from the date of the bylaw designating the property.

(3) An application for alteration under subsection (1) must be accompanied by a detailed plan and must contain any information that the council may require.

(4) After consultation with its advisory committee, if one has been established, the council shall consider an application under subsection (1) and, within 30 days from the date of receipt of that application, shall cause notice of its decision to be served on the owner.

(5) Where the council consents to an application under subsection (1) on terms and conditions or refuses the application, the owner may, within 30 days of his receipt of the notice under subsection (4), apply to the council for a hearing before the review board, and the council shall refer the matter to the review board for a hearing and report.

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

(7) Upon receipt of a report of a hearing held pursuant to subsection (5), the council shall within 30 days:

- (a) refuse the application;
- (b) consent to the application; and notify the owner of its decision.

(8) Where the council refuses an application pursuant to subsection (7), the owner of the property may not reapply for demolition under subsection (1) until the expiration of one year from the date of receipt of the notice under subsection (7).

Publication on repeal of bylaw

24 Where a bylaw designating property is repealed, the council shall cause:

- (a) notice of the repeal of the bylaw to be served on the owner and the minister;
- (b) reference to the property to be deleted from the register described in section 9;

- (c) notice of the repeal of the bylaw to be published in a newspaper having general circulation in the municipality; and
- (d) notice of the repeal of the bylaw to be registered against the property affected in the appropriate land titles office.

Notice by land titles office

25 The appropriate land titles office shall, within 30 days of change of ownership of Municipal Heritage Property, give notice of the change to the municipal official of the municipality in which the property is situate.

Expropriation

26 Subject to *The Municipal Expropriation Act*, a council may pass a bylaw providing for the expropriation of any Municipal Heritage Property and may sell, lease or otherwise dispose of the property, when no longer required for the purposes of this Part, upon any terms and conditions that the council considers necessary.

Delegation

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

Powers of a municipality

28(1) A council may by general or specific bylaw:

- (a) notwithstanding section 350 of *The Urban Municipality Act* or subsection 310(3) of *The Rural Municipality Act*, provide any form of grant, loan, tax relief or any other form of assistance to the owner of any property designated pursuant to this Act that it considers fit;
- (b) include in its annual budget provision for municipal heritage conservation and assistance;
- (c) make rules with respect to the criteria for the designation of property and the procedure for such designation that is not otherwise provided for in this Act;
- (d) enter into any agreement:
 - (i) with the written approval of the minister, with the Government of Canada or any other nation or the government of any other province; or
 - (ii) any person, agency, organization or association;

respecting the co-ordination, preservation, study, interpretation and promotion of appreciation of the heritage property in the municipality;

- (e) deny any permit for alteration or demolition of property for not more than 60 days where it considers that the property is property that it may wish to designate as Municipal Heritage Property;
- (f) acquire covenants or easements relating to heritage matters within the municipality;
- (g) notwithstanding section 180 of *The Urban Municipality Act*, acquire or dispose of heritage property within the municipality;
- (h) erect any suitable plaques or other interpretive devices that it considers fit on or near Municipal Heritage Property.

(2) Where a council is of the opinion that a person is engaged in any activity that it considers likely to result in damage or destruction to any heritage property in the municipality, the mayor or reeve, as the case may be, or the Minister of Northern Saskatchewan with respect to the Northern Saskatchewan Administration District, may issue a temporary stop order requiring that person to cease the activity and section 4 applies, *mutatis mutandis*, to a stop order under this section.

Easements

29(1) Any easement or covenant entered into by a council under clause 28(1)(g) may be registered against Municipal Heritage Property affected in the appropriate land titles office.

(2) Any easement or covenant entered into by a council under subsection (1):

- (a) may be assigned to any person; and
- (b) continues to run with the real property;

and the assignee may enforce the easement or covenant as if he were the council and it owned no other land which would be accommodated or benefitted by such easement or covenant.

Derelection of Municipal Heritage Property

30(1) Where through the neglect of the owner or his non-observance of accepted maintenance of operational procedures, the integrity or existence of Municipal Heritage Property is placed in jeopardy, the council of the municipality in which the property is situate may, by order, require the person in possession of that property to undertake any specific repairs or other measures that the council considers necessary to preserve the property.

(2) Where a person in possession of Municipal Heritage Property fails to comply with an order made pursuant to subsection (1) within the time limited by the order, the council 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 municipality and where those costs are incurred, the municipality:

- (a) is deemed to have an interest in the land to which those costs relate; and
- (b) may file a caveat against the land in the appropriate land titles office.

(4) Where an owner of Municipal Heritage Property against which a caveat has been filed pursuant to subsection (3) sells the property, the costs and interest incurred by the municipality under this section in respect of that property are to be repaid to the municipality.

Sale of Municipal Heritage Property

31 No owner of Municipal Heritage Property for which a certificate of title has been granted pursuant to *The Land Titles Act* shall offer the property for sale or disposition without:

- (a) giving the council of the municipality in which the property is situate 30 days' written notice of his intention to do so;
- (b) the written consent of that council to do so within the 30 day period mentioned in clause (a).

Power of inspection

32(1) For the purpose of enforcing this Part, any person with the written authorization of the council may, upon producing proper identification, enter and inspect, at any reasonable time, any Municipal Heritage Property or property proposed to be designated.

(2) No person shall obstruct a person authorized to make any inspection under this section or conceal or destroy anything relevant to the inspection.

(3) Where entry pursuant to subsection (1) is refused, the council may apply, *ex parte*, to the District Court for Saskatchewan, and the court may issue an order authorizing the council or a person authorized by the council to enter and inspect any land, premises or other place.

Protection of property pending designation and designated property

33 Notwithstanding any other Act, no person shall destroy, alter, restore, repair, disturb, transport, add to, change or move, in whole or in part, any Municipal Heritage Property or any property proposed to be designated:

- (a) within 120 days of compliance with clause 11(2)(b); or
- (b) after the coming into force of a bylaw made pursuant to subsection 11(1) or clause 16(a);

without the written approval of the council of the municipality in which the property is situate.

Potential heritage conservation district

34(1) A council may, by bylaw, define the municipality or any area of the municipality as an area to be examined for future designation as a heritage conservation district, and the council shall, upon completion of that examination, prepare a municipal development plan for the area.

(2) The council shall, before passing a bylaw pursuant to subsection (1), consult with its advisory committee if one has been established.

Designation of heritage conservation district

35(1) Subject to subsection (2), where a municipal development plan described in subsection 34(1) is in effect in a municipality, the council of that municipality may, by bylaw, designate the municipality or the area of the municipality defined in that plan as a heritage conservation district.

(2) No Municipal Heritage Property or Provincial Heritage Property is to be designated as part of a heritage conservation district.

(3) The council shall submit any bylaw passed under subsection (1) to the review board for approval in order for the bylaw to be effective.

(4) Before approving a bylaw under subsection (1), the review board shall hold a public hearing for the purposes of:

- (a) inquiring into the merits of the proposed bylaw; and
- (b) hearing any objections to the proposed bylaw from any person.

(5) The council shall, in any manner that the review board may direct, cause notice of its submission to the review board under subsection (3) to be given to:

- (a) any persons that the review board may direct; and
- (b) the minister.

(6) The review board may approve a bylaw under subsection (1) in respect of the whole or any part of the area defined.

(7) A decision of the review board under this section is to be in the form of an order.

Effect of designation as heritage conservation district

36(1) Where a bylaw has been passed under section 34, no person shall erect, demolish, remove or alter the external portions of any building or structure in the area defined in the bylaw without a permit issued by the council of the municipality in which the property is situate except where the review board has issued an order refusing approval of the bylaw.

(2) Sections 23, 25, 26 and 28 to 32 apply, *mutatis mutandis*, to any building or structure and the land appurtenant thereto that is situate in an area designated pursuant to this Act as a heritage conservation district.

Permission to designate more than once

37 No council may designate any property more than once without the written permission of the owner.

PART IV

DESIGNATION OF PROPERTIES BY THE PROVINCE

Interpretation, "scientific property"

38 In this Part, "scientific property" includes natural areas, stratotypes and other geological formations.

Designation of real Provincial Heritage Property

39(1) After consultation with the advisory board, 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 the notice of intention in the appropriate land titles office;
- (c) publishing the notice of intention in the Gazette; and
- (d) publishing the a 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.

(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.

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.

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 a copy of the order in the appropriate land titles office; and
- (c) caused a notice of the order to be published in the Gazette.

Hearing before review board

42(1) Where a notice of objection has been served pursuant review board 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.

Order after hearing

43 After considering the report mentioned in subsection (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; and
 - (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.

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.

Designation of personal Provincial Heritage Property

45(1) After consultation with the advisory board, 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.

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.

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.

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.

Order after hearing

49 After considering the report mentioned in subsection (7), 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.

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.

Dereliction of Provincial Heritage Property

51(1) Where, through the neglect of the owner or his nonobservance 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.

(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 file a caveat against the land in the appropriate land titles office.

(4) Where an owner of Provincial Heritage Property against which a caveat has been filed pursuant to subsection (3) sells the property, the costs and interest incurred by the minister under this section in respect of that property are to be repaid to the minister.

Sale of Provincial Heritage Property

52 No owner of:

- (a) personal property; or
- (b) real property for which a certificate of title has been granted pursuant to *The Land Titles Act*;

which is designated as Provincial Heritage Property shall offer that property for sale or disposition without:

- (c) giving the minister 30 days' written notice of his intention to do so; and
- (d) acquiring the minister's written consent to do so within the time set out under clause (c).

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) registered a copy of the order in the appropriate land titles office; 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).

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;
 - (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, register a copy of the order against the affected property in the appropriate land titles office.
 - (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, register a copy of the order against the affected property in the appropriate land titles office;
- and the decision of the minister is final.

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.
- (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 a copy of the order in the appropriate land titles office; 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.

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.

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 a copy of the order in the appropriate land titles office.

Minister's order

58 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) make regulations governing standards of maintenance of Provincial Heritage Property owned by the Crown;
- (c) make regulations 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;
- (d) specify the terms, times and conditions under which the public shall have access to any Provincial Heritage Property owned by the Crown;
- (e) make any regulations necessary for the proper operation, management, conservation and development of Provincial Heritage Property owned by the Crown;
- (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.

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 in the appropriate land titles office against the title of the property affected.

(2) When an easement or covenant entered into pursuant to subsection (1) is accompanied by a certificate:

- (a) of the municipality that has entered into that easement or covenant; or
- (b) of the minister;

stating that it is for the purpose of the protection of heritage property, the registrar of any land titles office shall accept the easement or covenant for registration.

(3) Where an easement or covenant is registered pursuant to subsection (1), it runs with the property and is enforceable by the holder whether the easement or covenant is positive or negative in nature, against the owner or any subsequent owner of the property, even though the holder 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.

Expropriation

60 If the minister has unsuccessfully made a reasonable endeavour to acquire any heritage property by purchase, he may expropriate that property, and *The Expropriation Procedure Act* applies, *mutatis mutandis*, to an expropriation under this section.

PART V

ARCHAEOLOGICAL AND SCIENTIFIC RESOURCE CONSERVATION

Interpretation, "permit"

61 In this Part, "permit" means a research permit issued under section 67.

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, *ex parte*, to the District Court for Saskatchewan, and the court may issue an order authorizing the minister or officer to enter any land, premises or other place.

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) under take 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).

Sites of a 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.

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 postdating 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.

Crown property

66(1) Every archaeological or vertebrate palaeontological object found in or taken from the land of Saskatchewan after the coming into force of this Act is deemed to be the property of the Crown.

(2) All archaeological or vertebrate palaeontological objects found in or taken from the land of Saskatchewan other than those mentioned in subsection (1) must be registered with the minister within two years from the coming into force of this Act, and, where they are not so registered within that two-year period, they become the property of the Crown as soon as the minister gives the person in possession of those objects written notice of the Crown's claim of ownership.

(3) No person shall buy, sell, trade or otherwise dispose or remove from Saskatchewan for the purpose of selling, trading or otherwise disposing of any archaeological or vertebrate palaeontological object found in or taken from the land of Saskatchewan without the written permission of the minister.

(4) In a prosecution under subsection (3), the onus of proving that the object was not found in or taken from land in Saskatchewan is on the person who alleges that it was not so found or taken.

(5) In the event of any dispute as to whether subsections (1) to (3) apply to any archaeological or vertebrate palaeontological object, the onus of proving that those subsections do not apply is on the person who so alleges.

Research permit

67(1) No person shall:

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

for the purpose of obtaining archaeological or vertebrate palaeontological objects or information on those objects, unless he holds a valid and subsisting research permit granted pursuant to this section.

(2) The minister may:

- (a) issue a research 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 vertebrate palaeontological objects recovered while collecting or excavating pursuant to the research 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.

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.
- (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 Her Majesty's Court of Queen's Bench for Saskatchewan.

(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.

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).

Permit implications

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.

Fortuitous discovery

71(1) Any person, other than a holder of a subsisting permit, who discovers a previously unknown site containing archaeological or vertebrate 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).

PART VI

GENERAL

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.

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.

(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, 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.

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.

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.

Exemption from safety standards

76 The Lieutenant Governor in Council may, by order, exempt any Provincial Heritage Property or Municipal Heritage Property 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.

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.

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.

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 pursuant to section 6;
- (b) prescribing forms to be used and procedures to be followed in the carrying out of the functions of the review board;
- (c) defining, restricting or enlarging the meaning of any word or expression used in section 64;
- (d) prescribing the form for the purposes of subsection 68(8);
- (e) respecting any matter that he considers necessary or advisable to carry out the intent and purpose of this Act.

Act binds Crown

80 The Crown is bound by this Act.

Rev. Stat. c.S-22 repealed

81 *The Saskatchewan Heritage Act* is repealed.

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.