

# HALIFAX REGIONAL MUNICIPALITY

## BY-LAW NUMBER H-200

### RESPECTING THE ESTABLISHMENT OF A HERITAGE ADVISORY COMMITTEE AND A CIVIC REGISTRY OF HERITAGE PROPERTY

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as follows:

#### Short Title

- 1 This By-law shall be known as By-law No. H-200 and may be cited as the "Heritage Property By-law".

#### Interpretation

- 2 In this By-law,
- (a) "Act" means the Heritage Property Act, R.S.N.S. 1989, Chapter 199.
  - (b) "Committee" means the Heritage Advisory Committee of the Halifax Regional Municipality;
  - (c) "Council" means the Council of the Region;
  - (d) "Heritage Impact Statement" means a study to determine if any heritage resource will be impacted by a specific proposed development or site alteration, and which can also demonstrate how the heritage resource will be conserved in the context of redevelopment or site alteration, and in which mitigative or avoidance measures, or alternative development or site alteration approaches may be recommended."
  - (e) "Municipal Heritage Property" means a building, streetscape or area registered in the Registry of Heritage Property for the Halifax Regional Municipality;
  - (f) "Region" means Halifax Regional Municipality;
  - (g) "Registry" means the Heritage Property Registry of the Halifax Regional Municipality.

### **Heritage Advisory Committee**

- 3 (1) There is hereby created the Heritage Advisory Committee.

### **Composition of Committee**

- (2) The Committee shall consist of not more than twelve members, who shall be appointed by Council, as follows:
- (a) two members of Council; and
  - (b) ten residents of the Region, who have applied to the Council to act as members and have expressed an interest in heritage preservation.

### **Term of Office**

- (3) The members of the Committee shall be appointed for such term as Council may direct and shall hold office at the pleasure of Council.

### **Eligibility for Re-appointment**

- (4) A member of the Committee shall be eligible for re-appointment.

### **Deemed Resignation**

- (5) A member who is absent from three consecutive meetings of the Committee without cause shall be deemed to have resigned.

### **Filling of Vacancies**

- (6) Should a vacancy occur on the Committee, for any reasons other than the expiration of the term of a member, the Council shall within 30 days of notification thereof, appoint a person to fill the vacancy, and the person so appointed shall hold office for the remainder of the term of the member to whose place he or she was appointed.

### **Powers of the Committee**

- 4 The Committee shall, within the time limits prescribed by Council or the Act, advise the Council respecting
- (a) the inclusion of buildings, streetscapes and areas in the Registry;
  - (b) the identification of natural and archaeological features which could be considered for protection through the Special Places Protection Act;
  - (c) applications to substantially alter the external appearance of or demolish a municipal heritage property;
  - (d) the preparation, amendment, revision or repeal of a conservation plan and conservation by-law;

- (e) the administration of heritage conservation districts;
- (f) an application for a certificate that is required by the Act or a conservation plan and conservation by-law to go to a public hearing;
- (g) building or other regulations that affect the attainment of the intent and purpose of the Act;
- (h) applications for heritage agreement, development agreements or amendments to a Land Use Bylaw which may affect a registered heritage property or amendments to a Municipal Planning Strategy affecting heritage policies;
- (i) the use, administration, and management of registered heritage properties owned by the Region;
- (j) proposals for the erection on heritage properties of monuments, sculptures or plaques;
- (k) the promotion and interpretation of heritage properties;
- (l) the deregistration of heritage properties;
- (m) the acquisition of heritage properties;
- (n) financial incentives to heritage properties;
- (o) the amendment of evaluation criteria, guidelines and standards for municipal heritage properties;
- (p) recommendations for enforcement in the event of non-compliance; and
- (q) and other matters conducive to the effective carrying out of the intent and purpose of the Act.

**Meetings**

**5**

- (1) The Committee shall meet at least once in each month. The Committee may meet as well at the call of the Chairman or at the request of one-third of the members of the Committee.

**Quorum**

- (2) A Quorum of the Committee for each meeting shall be one-half of the members plus one.

**Procedure**

- (3) The procedure of the Committee shall be governed, where not inconsistent with the Act or this By-law, by the Rules of Order Administrative Order of the Region.

**Meetings Open To Public**

- (4) All meetings of the Committee shall be open to the public.

**Chairperson of Committee**

- 6 (1) The Committee shall, at its first meeting and thereafter annually, elect from its members a Chairperson for the ensuing year.

**Vice-Chairperson**

- (2) The Committee shall, at its first meeting and thereafter annually, elect from its members a Vice-Chairperson, for the ensuing year who shall act in the absence of the Chairperson; and, if both the Chairperson and Vice-Chairperson are absent from any meeting, the Committee shall elect an Acting Chairperson to act at such meeting of the Committee.

**Secretary**

- (3) The Municipal Clerk or an Assistant Municipal Clerk designated by the Municipal Clerk shall act as the Recording Secretary of the Committee.

**Establishment of Heritage Registry**

- 7 (1) There is hereby created a Registry of Heritage Property for the Halifax Regional Municipality wherein all prescribed documents relating to the registration of heritage property pursuant to the provisions of the Act and this By-law shall be filed.

**Registration of Buildings, etc.**

- (2) Buildings, streetscapes, or areas may be registered in the Registry as municipal heritage properties by Council, on the advice of the Heritage Advisory Committee, pursuant to the provisions of the Act and those buildings, streetscapes, or areas so registered shall be subject to the provisions of the Act.

**Previous Heritage Properties Deemed Registered**

- (3) Buildings, streetscapes, or areas which were and continued to be registered municipal heritage properties in the Town of Bedford, City of Dartmouth, Halifax County Municipality and the City of Halifax immediately prior to April 1, 1996 shall be registered municipal heritage properties in the Registry.

**Maintenance of Registry**

- (4) The Clerk shall maintain the Registry, which Registry shall:

- (a) be properly indexed;
- (b) contain data, where applicable, with respect to recommendations, registration, recording particulars of documents required to be registered at the Registry of Deeds and true copies of all notices required by the Act or by this By-law;
- (c) contain particulars of municipal heritage property under recommendation or registered so as to adequately identify the property; and
- (d) be accessible to the public at no charge during regular Regional business hours.

**Notice of Recommendation**

- 8 (1) Notice of a recommendation by the Committee that a building, streetscape or area be registered as a municipal heritage property shall be in Form A.

**Notice of Registration**

- (2) The Notice of Registration of a Municipal Heritage Property to be sent to each registered owner of the Municipal Heritage Property and to be deposited in the Registry of Deeds shall be in Form B.

**Notice of Decision Not To Register**

- (3) In the event that Regional Council after considering the proposed registration does not register the property in the Registry, a notice in Form C shall be sent to the registered owner of the property.

**Notice of Deregistration**

- (4) Notice of Deregistration of a Municipal Heritage Property to be sent to each registered owner of the Municipal Heritage Property and to be deposited in the Registry of Deeds shall be in Form D.

**Terms of Reference**

- 9 Council may, from time to time, after public hearing, set out and amend such guidelines as it sees fit for the designation of property as Heritage Property and the Committee shall make recommendations in accordance therewith.

**Annual Report**

- 10 The Committee shall submit annually to Council through the Commissioner of Community Services a report of the activities of the Committee for the previous year, such report to be submitted on or before March 31st.

### **Information To The Committee**

11. (1) The Building Inspector shall inform the Heritage Advisory Committee of any application for exterior alteration or demolition of a registered property.
- (2) Whenever the Building Inspector of the Region makes any finding that a heritage property meets the definition of a dangerous or unsightly structure pursuant to Part XIII of the *Halifax Regional Municipality Act*, the Building Inspector shall immediately advise the Heritage Advisory Committee of the condition of the heritage property.
- (3) Where an application is for a rooftop addition or other addition to a registered heritage property located in the Downtown Halifax Plan Area and where the addition has a gross floor area greater than 50% of the gross ground floor area of the existing building, the Building Inspector or other person designated by the Halifax Regional Municipality to administer this By-law may require a Heritage Impact Statement.
- (4) The content of a Heritage Impact Statement shall be as described in Schedule ‘A’.”

### **“Conservation Standards**

- 12 Applications for alteration of a registered heritage property shall be evaluated in accordance with the Heritage Building Conservation Standards as set forth in Schedule ‘B’.”

### **Repeal of By-laws and Ordinances**

- 13 By-law Number 27311 of the Town of Bedford, the By-law Respecting Heritage Property any amendments thereto, By-law Number H-100 of the City of Dartmouth, the Heritage Advisory Committee By-law and any amendments thereto, By-law Number 49 of Halifax County Municipality, the Heritage Property By-law and any amendments thereto, and Ordinance Number 174 of the City of Halifax, the Heritage Property Ordinance and any amendments thereto are hereby repealed.

Done and passed in Council this second day of July, 1996.

(Signed)

---

MAYOR

(Signed)

---

MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on July 2, 1996.

(Signed)

---

Vi Carmichael  
Municipal Clerk

Dr. Jim Smith, MLA (Signed) August 1, 1996

---

Minister of Housing & Municipal Affairs

**FORM A**

**NOTICE OF RECOMMENDATION TO REGISTER  
AS A MUNICIPAL HERITAGE PROPERTY**

TO:

You are hereby notified that:

1 The land and building located at

(address, location, legal description or other identification of property)

has been recommended to be registered in the Registry of Heritage Property for the Halifax Regional Municipality.

2 The reasons for this proposed designation are: (approximate date of erection; type of architecture, typical of an era; part of a streetscape with description of streetscape location; local historical significance; national historical significance.)

3 Section 14(4) of the Heritage Property Act prohibits demolition or any substantial alteration of the appearance of a property described herein for a period of one hundred twenty (120) days from the date and service of this notice, unless the Council sooner refuses to register the property.

4 The effect of recommendation and registration in the Registry of Heritage Property for the Halifax Regional Municipality described in paragraph 1 is that no demolition or substantial alteration in exterior appearance may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality and the application is granted with or without conditions. Where such application is not approved the owner may make the alterations described in his application or carry out the proposed demolition at any time after one year but not more than two years from the date of application.

5 You are hereby notified that the Council will sit to hear any objections regarding the recommendation of the property described in this notice on the      day of      , 19      at (time), at (place). (This date must be 21 days after service). Information and particulars concerning the reasons for recommendation are available from the office of the Clerk for Halifax Regional Municipality weekdays from 9:00 a.m. to 4:30 p.m.

DATED this      day of      , 19      .

CLERK

## FORM B

(To be filed in the Registry of Deeds for the district in which the property is located and in the Registry of Heritage Property for the Halifax Regional Municipality)

### NOTICE OF REGISTRATION OF HERITAGE PROPERTY

TO:

You are hereby notified that:

1 The land and building located at:

(address, local, legal description or other identification of property)

has been registered in the Registry of Heritage Property for the Halifax Regional Municipality by resolution adopted at a meeting of Council the    day of   , 19   .

2 The effect of registration in the Registry of Heritage Property for the Halifax Regional Municipality is that no demolition or substantial alteration in the exterior appearance may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Council and the application is granted with or without conditions. Where an application is not approved, the owner may make the alteration described in his application or carry out the proposed demolition at any time after one year but not more than two years from the date of application.

DATED this    day of   , 19   .

(Seal)  
CLERK

**FORM C**

**NOTICE OF REFUSAL TO REGISTER AS  
A MUNICIPAL HERITAGE PROPERTY**

TO:

You are hereby notified that:

1 The land and building located at

(address, local, legal description or other identification of property)

has been refused registration at this time in the Registry of Heritage Property for the Halifax Regional Municipality by the Halifax Regional Council, on , 19 .

2 The effect of refusal to register in the Registry of Heritage Property for the Halifax Regional Municipality is that Section 17 of the Heritage Property Act no longer applies to the property and it may now be altered without reference to the Halifax Regional Municipality, pursuant to Section 14(4) of the Act.

DATED this day of , 19 .

CLERK

**FORM D**

**NOTICE OF DEREGISTRATION  
OF A MUNICIPAL HERITAGE PROPERTY**

TO:

You are hereby notified that:

- 1 The land and building located at  
(address, local, legal description or other identification of property)

has been deregistered as a municipal heritage property by the Council of the Halifax Regional Municipality, on the \_\_\_\_\_ day of \_\_\_\_\_, 199 .6 at this time in the Registry of Heritage Property for the Halifax Regional Municipality by the Halifax Regional Council, on \_\_\_\_\_, 19 .

- 2 The effect of deregistration is that:
  - (a) the property is no longer listed in the Halifax Regional Municipality Registry of Heritage Property; and
  - (b) the property may be altered without reference to Section 17 of the Heritage Property Act. All other municipal regulations still apply.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

CLERK

## **Schedule “A” Content of Heritage Impact Statements**

A heritage impact statement is a study to determine if any heritage resource will be impacted by a specific proposed development or site alteration. It can also demonstrate how the heritage resource will be conserved in the context of redevelopment or site alteration. Mitigative or avoidance measures, or alternative development or site alteration approaches may be recommended. A heritage impact statement contains, but is not limited to the following information:

- (a) Identification of Heritage Value and Character Defining Elements based on information available in the HRM Registry of Heritage Properties or Inventory of Potential Heritage Properties, supplemented by additional research, site analysis, or evaluation as necessary.
- (b) Description of the Proposed Development or Site Alteration. This description details the rationale and purpose for the development or site alteration, the proposed works and graphical layout, and how the development or site alteration fits with the objectives of the municipality as expressed in planning documents.
- (c) Measurement of Development or Site Alteration Impact. Any impact (direct or indirect, physical or aesthetic) of the proposed development or site alteration must be identified. The effectiveness of any proposed conservation or mitigative or avoidance measures must be evaluated on the basis of established principles, standards and guidelines for heritage conservation.
- (d) Consideration of Alternatives, Mitigation and Conservation Methods. Where an impact on a heritage resource is identified, and the proposed conservation or mitigative measures including avoidance, are considered ineffective, other conservation or mitigative measures, or alternative development or site alteration approaches must be recommended.
- (e) Implementation and Monitoring. This is a schedule and reporting structure for implementing the recommended conservation or mitigative or avoidance measures, and monitoring the heritage resource as the development or site alteration progresses.
- (f) Summary Statement and Conservation Recommendations:
  - The heritage value and character defining elements of the heritage resource.
  - The identification of any impact that the proposed development will have on the heritage resource.
  - An explanation of what conservation or mitigative measures, or alternative development or site alteration approaches are recommended to minimize

- or avoid any impact on the heritage resource.  
If applicable, clarification of why some conservation or mitigative measures, or alternative development or site alteration approaches are not appropriate.

## **Schedule “B” Heritage Building Conservation Standards**

These Conservation Standards are based on Conservation Standards used by the United States Secretary of the Interior (36CFR67)(1991) and are in keeping with most conservation principles, including the Venice Charter (1964).

The historic character of a heritage resource is based on the assumptions that (a) the historic materials and features and their unique craftsmanship are of primary importance and that (b) in consequence, they are to be retained, and restored to the greatest extent possible, not removed and replaced with materials and features which appear to be historic, but which are in fact new.

- (1) The property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, its site and environment. (See Note 1)
- (2) The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding hypothetical features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design in colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used.
- (8) Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

- (9) New additions, exterior alterations, or related new construction shall not destroy materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. (See Note 2)
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Note 1: This standard is not intended to regulate the use of property. Land use regulation is implemented through the Land Use By-law under authority of the Municipal Government Act.

Note 2: Within the Downtown Halifax Secondary Planning Area and the Barrington Street Historic District, section 4 of the Design Manual of the Downtown Halifax Land Use By-law shall be considered in evaluating matters relating to compatibility of massing, size, scale and architectural features.

BY-LAW H-200

---

Notice of Motion:	May 7, 1996
First Reading:	May 14, 1996
Second Reading:	June 25, 1996
Third Reading:	July 2, 1996
Approval of Minister of Housing & Municipal Affairs:	August 1, 1996
Effective Date:	August 17, 1996

---

Amendment # 1 (By-law H-201)

Notice of Motion: Waive	
First Reading:	April 7, 2009
Notice of Public Hearing Publication:	April 11, 2009
Second Reading:	May 5, 2009
Approval of Minister of Service Nova and Municipal Relations:	February 3, 2010
Effective Date:	March 6, 2010