

PLEASE NOTE

This document, prepared by the <u>Legislative Counsel Office</u>, is an office consolidation of this regulation, current to February 1, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the <u>*Royal Gazette*</u> should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations*.

If you find any errors or omissions in this consolidation, please contact:

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CHAPTER H-3.1

HERITAGE PLACES PROTECTION ACT REGULATIONS

Pursuant to section 16 of the *Heritage Places Protection Act* R.S.P.E.I. 1988, Cap. H-3.1, Council made the following regulations:

1. In these regulations	Definitions
(a) "Board" means the Heritage Places Advisory Board, established by section 3 of the Act;	Board
(b) "Commission" means the Island Regulatory and Appeals Commission created pursuant to the <i>Island Regulatory and Appeals</i> <i>Commission Act</i> R.S.P.E.I. 1988, Cap. I-11;	Commission
(c) "Notice" with respect to any Form issued pursuant to these regulations includes an amended Notice where the context requires;	Notice
(d) "owner" includes a person with a legal interest in a heritage place;	owner
(e) "register" or "register of heritage places" means a record of building, structure or land recognized for their heritage value and to which the criteria have been applied. (EC414/00)	register
2. (1) Appointments to the Board shall be for a period of three years, with all members eligible for reappointment.	Term of appointment to Board
(2) The Chair of the Board shall be appointed by the Minister.	Chair
(3) Notwithstanding subsection (1), for the initial appointment of the Board, the term of office(a) for three of the members shall be three years; and(b) for the other two members shall be two years.	Initial appointments
(4) A quorum of the Board shall be 3 members. (EC414/00)	Quorum
3. For the purposes of subsection 4(2) of the Act, the following criteria shall be applied, evaluated, researched and validated as considered appropriate by the Minister, for entry of a building, structure or land in the register of heritage places: (a) age; (b) active or historical partial.	Criteria
(b) style or historical period;(c) design;	

(d) architect or builder;

	 (e) streetscape; (f) integrity; (g) construction methods; (h) exterior condition; (i) landmark; (j) historical or site context; (k) event, person or activity connected with the site; and (l) its context as an institution. (EC414/00)
Notice of Intention to Designate Heritage Place	 4. (1) The Minister may initiate the procedure for the designation of a registered heritage place as a designated site, structure or area pursuant to section 5 of the Act, by (a) publishing a Notice of Intention to Designate Heritage Place in the Gazette and in a newspaper having general circulation in the area; (b) serving the Notice on the owner; (c) serving the Notice on the municipality affected; and (d) filing the Notice in the appropriate Registry of Deeds office.
Contents of Notice	 (2) The Notice of Intention to Designate Heritage Place shall contain (a) a legal description of the site and the municipal address; (b) a summary of the consequences of designation; (c) information respecting the immediate consequences of the Notice; (d) a date and time by which the owner, the municipality or interested or affected parties may comment on or object to the proposed designation; and (e) such other particulars as the Minister deems necessary or relevant.
Amendment of Notice of Intention	(3) The Minister may amend a Notice of Intention to Designate Heritage Place, which shall be served and published in accordance with this section. (EC414/00)
No changes for 120 days	5. Where a Notice of Intention to Designate Heritage Place has been issued pursuant to section 4, no person shall move, alter the facade or exterior appearance of or demolish the building, structure, site or area for a period of 120 days from the date of service of the Notice, unless the Notice is revoked or cancelled under these regulations. (EC414/00)
Notice of Objection	6. An owner, a municipality, a person served, or any person, group or organization interested in, or likely to be affected by a proposed designation, may object to the proposed designation, by filing a Notice of Objection, in the prescribed Form, with the Minister within 30 days of the date of the publication of the Notice of Intention to Designate Haritage Place in the Caratte ($EC414/00$)

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Heritage Place in the Gazette. (EC414/00)

7. (1) Where no Notice of Objection is filed with the Minister in No Notice of accordance with section 6, the Minister may designate the heritage place as described in the Notice of Intention to Designate Heritage Place.

(2) The Minister shall (a) publish a Notice of Heritage Place Designation, in the prescribed served, filed Form, in the Gazette: (b) serve the Notice on the owner; (c) serve the Notice on the municipality affected; and (d) file the Notice in the appropriate Registry of Deeds office. (EC414/00) 8. (1) The Minister shall consider any Notices of Objection filed, and the Consideration of Minister may, not later than 90 days from publication of the Notice objections pursuant to section 6,

(a) designate the site as described in the Notice of Intention to Designate Heritage Place; or

(b) cancel the Notice of Intention to Designate Heritage Place.

(2) Where the Minister designates a site under clause (1)(a), the Notice issued Minster shall issue a Notice of Heritage Place Designation, which shall include information respecting the right of appeal under these regulations.

(3) Where the Minister cancels a Notice under clause (1)(b), the Notice of Cancellation Minister shall issue a Notice of Cancellation of Notice of Intention to Designate Heritage Place.

(4) The Minister may, for any reason, issue a Notice of Cancellation of Cancellation Notice of Intention to Designate Heritage Place, in the prescribed form, at any time before designating a site as a heritage place.

(5) The Minister shall (a) publish a Notice issued under this section in the Gazette; (b) serve the Notice on the owner; and any other parties; (c) serve the Notice on the municipality affected; and (d) file the Notice in the appropriate Registry of Deeds office. (EC414/00)

9. (1) Where, in the Minister's opinion, a site which has characteristics Temporary designation that meet some of the criteria for a heritage place, is at risk of imminent irreparable or costly damage to the site's heritage nature, the Minister may, without prior notice, order a temporary designation.

(2) The Minister shall Notice of Temporary (a) publish a Notice of Temporary Heritage Place Designation, in the Designation prescribed form, in the Gazette;

Objection served

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Notice published,

Service of Notice

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	(c) serve the	Notice on the owner; Notice on the municipality affected; a otice in the appropriate Registry of De	
Contents of Notice	 (a) a legal de (b) a summa designation; (c) the prohil (d) a date ar comment, in Designation; 	of Temporary Heritage Place Designa escription of the site and the municipal ary of the penalties for contravention bition stated in subsection (4); and time by which the owner or the a writing, on the Notice of Temporar and er particulars as the Minister dee	address; n of a temporary municipality may ry Heritage Place
Prohibition	pursuant to subs exterior appearan	mporary designation has been ordere ection (1), no person shall move, al- ce of or demolish the building, structu- lays from the date of service of the	Iter the facade or ire, site or area for
Cancellation of temporary designation	Heritage Place D	er may issue a Notice of Cancellati esignation, which shall be published, s at in subsection (2). (EC414/00)	
Appeal from designation	municipality in w notice to the Con	er of the property containing the heri which it is located, may appeal a design mission, within 30 days of the receip ation of Heritage Place.	nation, by written
Service of notice of appeal	prescribed by the (a) the Comm (b) the Minis		
Notice of appeal hearing	municipality, the	nission shall give written notice to Minister and other interested parties ppeal hearing. (EC414/00)	
Powers of Commission		ppeal hearing, the Commission n 7 the scope of the designation or it 414/00)	
Amended Notice of Designation	11, the Minister	ommission has varied a designation p shall issue an Amended Notice of the Minister shall within 15 days of th	of Heritage Place

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(a) publish the Amended Notice of Heritage Place Designation in the Gazette: (b) serve the Notice on the owner; (c) serve the Notice on the municipality affected; and

(d) file the Notice in the appropriate Registry of Deeds office.

(EC414/00)

13. (1) The Minister may revoke the designation of a site damaged or Revocation by Minister destroyed by an act of God or for any other reason, as determined necessary at the Minister's discretion.

(2) Where the Commission or the Minister has revoked a designation, Notice published, served, filed the Minister shall

(a) publish a Notice of Revocation of Heritage Place Designation, in

the prescribed form, in the Gazette;

(b) serve the Notice on the owner;

(c) serve the Notice on the municipality affected; and

(d) file the Notice in the appropriate Registry of Deeds office.

(3) Nothing in this section affects an investigation or charges brought against any person for an offence under this Act.	Does not affect investigation, charges
(4) A site may be designated again in accordance with the procedure set out in these regulations. (EC414/00)	May be re- designated
14. Where a Notice of Intention to Designate Heritage Place is cancelled pursuant to section 8 or a designation revoked pursuant to section 11 or 13, another Notice of Intention respecting the same site or substantially the same site shall not be issued within one year of the cancelled or revoked Notice or designation. (EC414/00)	One year hiatus
15. (1) Any person, proposing an alteration, development or demolition of a designated heritage place, shall apply to the Minister for a Heritage Permit, in the prescribed form.	Application for Heritage Permit

(2) The Minister may, after consideration of an application, issue a Heritage Permit Heritage Permit, in the prescribed form, approving work, development, alteration or demolition of all or part of a heritage place.

(3) The Minister may refuse, amend, suspend or cancel a Heritage Refuse, amend, Permit under this section.

(4) The Minister may place conditions on a Heritage Permit as follows: Conditions (a) specifying that work, development, alteration or demolition of the heritage place shall be done in the form in which it is proposed or with such variations as the Minister may consider necessary;

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suspend, cancel Heritage Permit

(b) specifying the siting, dimensions, form, exterior design, finish and other particulars of the construction or renovation;

(c) requiring the payment of a fee for the Permit;

(d) requiring security or the posting of a bond for the purpose of mitigating any damages to and subsequent restoration or maintenance of the heritage place; and

(e) such other conditions as the Minister may consider necessary. (EC414/00) $\,$

Municipal Board **16.** (1) A municipality seeking to be declared a Municipal Board under this section shall provide to the Minister

(a) a copy of current municipal bylaws respecting heritage, and amendments within 10 days of their passage;

(b) copies of current municipal policies and programs respecting heritage; and

(c) information respecting sites that it has designated as heritage places and such other information as may be requested by the Minister.

- *Idem* (2) The Minister may with the consent of the municipality, delegate powers to the municipality by declaring that certain named sections of the Act and regulations apply to the municipality as a Municipal Board.
 - (3) The Minister may place conditions on the declaration issued under this section.
- Annual report (4) A Municipal Board shall make an annual report of its activities to the Minister, on or before January 31.

any time, without prior notice. (EC414/00)

Revocation of Municipal Board

Forms

Forms

17. (1) The prescribed forms pursuant to these regulations shall be as set out in Schedule A.

(5) The Minister may revoke the declaration of a Municipal Board at

Municipal Board (2) Notwithstanding subsection (1), a Municipal Board appointed a delegate pursuant to section 16 may make such changes as it determines necessary to the forms listed in Schedule A. (EC414/00)

Service by registered mail **18.** Where service cannot reasonably be effected as required under these regulations, the Notice or other document may be sent by registered mail to the last known address of the person to be served or it may be published in a newspaper having general circulation in the area in which the site is located. (EC414/00)

SCHEDULE A

1. The prescribed forms for the Act and these regulations are:

Form 1 - Notice of Intention to Designate Heritage Place;

Form 2 - Notice of Objection to Heritage Place Designation;

Form 3 - Notice of Heritage Place Designation;

Form 4 - Amended Notice of Intention to Designate Heritage Place;

Form 5 - Notice of Cancellation of Notice of Intention to Designate Heritage Place;

Form 6 - Notice of Temporary Heritage Place Designation; Form 7 - Notice of Cancellation of Temporary Heritage Place Designation;

Form 8 - Notice of Revocation of Heritage Place Designation;

Form 9 - Application for Heritage Permit;

Form 10 - Heritage Impact Statement;

Form 11 - Heritage Permit.

2. The Form for a Notice of Appeal may be obtained from the Island Regulatory and Appeals Commission at (902) 892-3501.

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FORM 1 HERITAGE PLACES PROTECTION ACT NOTICE OF INTENTION TO DESIGNATE HERITAGE PLACE

TAKE NOTICE THAT I, the Minister of Community and Cultural Affairs for the province of Prince Edward Island, intend to designate as a heritage place, the following site, as described in the attached legal description, in accordance with the Act and regulations:

(name or street name and number)	
(municipality)	
(property number)	(owner's name)

I am satisfied in accordance with the Act and regulations that this site represents a significant feature in the historic development of Prince Edward Island and its people and I intend to designate this site, including all land and buildings appurtenant to it, as a heritage place on or after, to be protected under the authority of the Act.

Where a site is designated as a heritage place, no person shall build on or undertake works that may affect any site designated under the Act without a heritage permit.

By authority of section 5 of the regulations, no person shall change, alter, move or demolish the facade or exterior appearance of any building, structure, site or area on the said property for a period of 120 days from the date of service of this Notice, unless this Notice is otherwise cancelled under the Act or regulations.

An owner, municipality, person served or a person, group or organization interested in, or likely to be affected by the intended designation may object to the intended designation by serving a Notice of Objection to Heritage Designation within 30 days of the date of the publication of this Notice in the Gazette. Service of a Notice of Objection must be made on me, in care of the Heritage Coordinator

Division of Culture, Heritage, Recreation and Sport Department of Community and Cultural Affairs P.O. Box 2000, Charlottetown, PEI C1A 7N8. A Notice of Objection form may be obtained from that office.

If a Notice of Objection to Heritage Place Designation is served upon me within the prescribed time, I am required to proceed in accordance with section 8 of the regulations. If no Notice of Objection to Heritage Place Designation is served as prescribed, I may proceed with designation in accordance with section 8 of the regulations.

DATED at Charlottetown, this day of

Minister of Community and Cultural Affairs

FORM 2 HERITAGE PLACES PROTECTION ACT NOTICE OF OBJECTION TO HERITAGE PLACE DESIGNATION

WHEREAS a Notice of Intention to Designate Heritage Place dated, was served and published pursuant to the Act and regulations with respect to the following site:

 (name or street name and number)	
 (municipality)	
 (property number)	(owner's name)

TAKE NOTICE THAT I object to the heritage place designation, pursuant to section 6 of the regulations.

OBJECTOR:		
Name		
Address		
Telephone	Fax	
-		
Status of Objector:		
owner lessee	1	1
other (specify		
Reasons for objection:		
Date		

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(signature of Objector)

(title, if applicable)

Heritage Places Protection Act Regulations

FORM 3 HERITAGE PLACES PROTECTION ACT NOTICE OF HERITAGE PLACE DESIGNATION

(name or street name and number) (municipality) (property number) (owner's name)

AND WHEREAS

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.....no Notice of Objection to Heritage Place Designation was served in accordance with the Act and regulations; or

..... the Minister considered the objections filed and ordered the designation pursuant to section 8 of the regulations; or

..... the Island Regulatory and Appeals Commission confirmed or varied the scope of the designation pursuant to the regulations

I HEREBY DESIGNATE the said site as a heritage place pursuant to section 8 of the regulations.

The owner of the property containing the heritage place or the municipality in which it is located may appeal the designation by written notice in the approved form to the Island Regulatory and Appeals Commission, within 30 days of service of this Notice of Heritage Place Designation.

DATED at Charlottetown, this day of

Minister of Community and Cultural Affairs

FORM 4

HERITAGE PLACES PROTECTION ACT AMENDED NOTICE OF INTENTION TO DESIGNATE HERITAGE PLACE

 (name or street name and number)		
(municipality)		
 (property number)	 (owner's name)	

AND WHEREAS I have determined it necessary that the Notice of Intention to Designate Heritage Place be amended as set out below

TAKE NOTICE THAT the Notice of Intention to Designate Heritage Place is amended to read as follows:

.....

DATED at Charlottetown, this day of

Minister of Community and Cultural Affairs

Heritage Places Protection Act Regulations

FORM 5 HERITAGE PLACES PROTECTION ACT NOTICE OF CANCELLATION OF NOTICE OF INTENTION TO DESIGNATE HERITAGE PLACE

WHEREAS a Notice of Intention to Designate Heritage Place dated was served and published in accordance with the Act and regulations, with respect to the following site:

(name or street name and numbe	xr)
(municipality)	
(property number)	(owner's name)

TAKE NOTICE THAT I have cancelled the said Notice of Intention to Designate Heritage Place, pursuant to section 8 of the regulations.

DATED at Charlottetown, this day of

Minister of Community and Cultural Affairs

FORM 6 HERITAGE PLACES PROTECTION ACT NOTICE OF TEMPORARY HERITAGE PLACE DESIGNATION

TAKE NOTICE THAT I, the Minister of Community and Cultural Affairs for the province of Prince Edward Island, temporarily designate as a heritage place, the following site, as described in the attached legal description, in accordance with the Act and the regulations:

 (name or street name and number	er)
(municipality)	
(property number)	(owner's name)

I am satisfied that this site represents a significant feature in the historic development of Prince Edward Island and its people, and temporarily designate it in order to preserve it for the purposes of further investigation respecting heritage place designation.

TAKE NOTICE THAT by authority of section 9 of the regulations, no person shall move, alter the facade or exterior appearance of or demolish the building, structure, site or area on the said property for a period of 45 days from the date of service or publication of this Notice whichever is earlier, unless this Notice is otherwise cancelled.

AND TAKE NOTICE THAT the penalty for contravention of the conditions of a temporary designation is an offence for which a fine for an individual may be up to \$20,000 and for a corporation, up to \$100,000, in accordance with section 14 of the Act.

AND TAKE NOTICE THAT an owner or municipality affected by this notice may comment, in writing, to the Minister, on this Notice of Temporary Designation, on or before 4 p.m. within 5 business days of the issuance of this Notice.

DATED at Charlottetown, this day of

Minister of Community and Cultural Affairs

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FORM 7 HERITAGE PLACES PROTECTION ACT NOTICE OF CANCELLATION OF TEMPORARY HERITAGE PLACE DESIGNATION

WHEREAS a Notice of Temporary Heritage Place Designation dated was served and published pursuant to section 9 of the regulations with respect to the following site:

(name or street name and number)	
(municipality)	
(property number)	(owner's name)

TAKE NOTICE THAT I have cancelled the above described Notice of Temporary Heritage Place Designation on this date, pursuant to section 9 of the regulations.

DATED at Charlottetown, this day of

Minister of Community and Cultural Affairs

FORM 8 HERITAGE PLACES PROTECTION ACT NOTICE OF REVOCATION OF HERITAGE PLACE DESIGNATION

WHEREAS on, the following site was designated as a heritage place pursuant to the Act:

(name or street name and numbe	er)
(municipality)	
(property number)	(owner's name)

TAKE NOTICE THAT I hereby revoke the designation under the Act of the above described site, as of this date.

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DATED at Charlottetown, this day of

Minister of Community and Cultural Affairs

FOR INTERNAL USE ONLY File No..... Date receivedResponse

FORM 9 HERITAGE PLACES PROTECTION ACT APPLICATION FOR HERITAGE PERMIT

WHEREAS on the Minister of Community and Cultural Affairs designated as a heritage place the following site:

(name or street name and n	number)
(municipality)	
(property number)	(owner's name)
AND WHEREAS the owner of the alter, move or demolish the site as	he heritage place wishes to commence work to change, set out herein;
Applicant:	
Telephone	
If the Applicant was not the ow respecting the deed to the Applican	oner at the time of the designation, give information nt:
County	Liber Folio
Date of registration of deed to App	plicant
Nature of project and description of	of the proposed work:
Reasons for the proposed work:	
Estimated project cost	
•	
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Is this part of a larger project or is	future work projected for this site?
	vill be required for future work)
Architect/Engineer for project	

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Phone	Fax	
General Contractor	r for proposed work	
	Fax	
Building permit required	applied for	not
date		
		signature
		title, if applicable
	FOR INTERNAL USE ONLY File Date receivedResponse	

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FORM 10 HERITAGE PLACES PROTECTION ACT HERITAGE IMPACT STATEMENT (HIS)

THIS Heritage Impact Statement (HIS) is filed respecting the following site:

(name or street name and number)				
(municipality)				
(property number)	(owner's name)			
APPLICANT:				
Name				
If the Applicant was not the owner at the time of the designation, give information respecting the deed to the Applicant:				
County	Liber Folio			
Date of registration of deed to Applicant				
HIS prepared by:				
Name				
relephone				

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Detailed description of HIS undertaken

Detailed description of heritage impacts identified

.....

.....

Detailed description of results of HIS

Recommendations (including cost estimates)

I certify that I have made this HIS after considered research and application of the principles of heritage planning and assessment to the best of my qualifications and experience.

.....

(signature)	

(date)

FORM 11 HERITAGE PLACES PROTECTION ACT HERITAGE PERMIT

NO.

WHEREAS the site herein described is a designated heritage place under the Act:

(name or street name and number)	
(municipality)	
(property number)	(owner's name)

AND WHEREAS I am satisfied that this permit should be issued pursuant to section 15 of the regulations;

I HEREBY APPROVE the following work, development, alteration or demolition of the heritage place as follows:

......subject to the following conditions:

1. The information provided by the applicant is true and complete.

2. The Permitee agrees to comply with all provisions of the Act and regulations and any orders or designations made thereunder.

3. The Permitee shall provide to the Minister a written report or reports with respect to the Permitee's activities pursuant to this Permit, the form and content of which shall be satisfactory to the Minister and which shall be provided on the following dates:

4. This Permit is not transferable;

5. This Permit may be revoked by me, where in my opinion there has been a breach of any of the terms or conditions herein or of the said Act or regulations.

.....

THIS PERMIT is further subject to the condition that any change proposed to the work which is approved by this Permit, must first be brought before the Heritage Coordinator of the Department of Community and Cultural Affairs to determine whether the change is sufficiently minor to be deemed to fall within this Permit. Should that person decide it is not minor in nature or effect, this Permit shall expire immediately and the Permitee shall cause the work on the project to cease.

DATED at Charlottetown, this day of

Minister of Community and Cultural Affairs

(EC414/00)