



PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) 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](#).

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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 *Island Regulatory and Appeals Commission Act* 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 Initial appointments
- (a) for three of the members shall be three years; and
 - (b) for the other two members shall be two years.
- (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: Criteria
- (a) age;
 - (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 Heritage Place in the Gazette. (EC414/00)

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

(2) The Minister shall Notice published, served, filed

- (a) publish a Notice 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. (EC414/00)

8. (1) The Minister shall consider any Notices of Objection filed, and the Minister may, not later than 90 days from publication of the Notice pursuant to section 6, Consideration of objections

- (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 Minister shall issue a Notice of Heritage Place Designation, which shall include information respecting the right of appeal under these regulations. Notice issued

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

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

(5) The Minister shall Service of Notice

- (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 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. Temporary designation

(2) The Minister shall Notice of Temporary Designation

- (a) publish a Notice of Temporary 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.
Contents of Notice	(3) The Notice of Temporary Heritage Place Designation shall contain (a) a legal description of the site and the municipal address; (b) a summary of the penalties for contravention of a temporary designation; (c) the prohibition stated in subsection (4); (d) a date and time by which the owner or the municipality may comment, in writing, on the Notice of Temporary Heritage Place Designation; and (e) such other particulars as the Minister deems necessary or relevant.
Prohibition	(4) Where a temporary designation has been ordered by the Minister pursuant to subsection (1), no person shall move, alter the facade or exterior appearance of or demolish the building, structure, site or area for a period of 45 days from the date of service of the Notice under this section.
Cancellation of temporary designation	(5) The Minister may issue a Notice of Cancellation of Temporary Heritage Place Designation, which shall be published, served and filed in the manner set out in subsection (2). (EC414/00)
Appeal from designation	10. (1) The owner of the property containing the heritage place, or the municipality in which it is located, may appeal a designation, by written notice to the Commission, within 30 days of the receipt of service of the Notice of Designation of Heritage Place.
Service of notice of appeal	(2) A Notice of Appeal under this section, shall be in the form prescribed by the Commission and shall be served on (a) the Commission; (b) the Minister; and (c) the owner or the municipality, whichever is not the appellant.
Notice of appeal hearing	(3) The Commission shall give written notice to the owner, the municipality, the Minister and other interested parties of the date, time and place of an appeal hearing. (EC414/00)
Powers of Commission	11. After an appeal hearing, the Commission may confirm the designation, vary the scope of the designation or it may revoke the designation. (EC414/00)
Amended Notice of Designation	12. Where the Commission has varied a designation pursuant to section 11, the Minister shall issue an Amended Notice of Heritage Place Designation, and the Minister shall within 15 days of the variation

- (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 destroyed by an act of God or for any other reason, as determined necessary at the Minister's discretion.

Revocation by
Minister

(2) Where the Commission or the Minister has revoked a designation, the Minister shall

Notice published,
served, filed

- (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, in the prescribed form, approving work, development, alteration or demolition of all or part of a heritage place.

Heritage Permit

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

Refuse, amend,
suspend, cancel
Heritage Permit

- (4) The Minister may place conditions on a Heritage Permit as follows:
- (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;

Conditions

- (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.

Forms (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.

Revocation of Municipal Board (5) The Minister may revoke the declaration of a Municipal Board at any time, without prior notice. (EC414/00)

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

Municipal Board forms (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.

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 affected person interested person
..... other (specify).....

Reasons for objection:

.....
.....
.....

Date.....

.....
(signature of Objector)
.....
(title, if applicable)

DATED at Charlottetown, this day of,

.....
Minister of Community and Cultural Affairs

FOR INTERNAL USE ONLY	File No.....
Date received	Response

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 number)
.....
(municipality)
.....
(property number) (owner's name)

AND WHEREAS the owner of the heritage place wishes to commence work to change, alter, move or demolish the site as set out herein;

Applicant:
Name
Address
.....
Telephone Fax

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

Nature of project and description of the proposed work:
.....
.....
.....

Reasons for the proposed work:
.....
.....
.....

Estimated project cost

Sources and amount of funding
.....
.....

Projected start date

Projected end date

Is this part of a larger project or is future work projected for this site?

(note: separate permits will be required for future work)

Architect/Engineer for project
.....
Address

PhoneFax

General Contractor for proposed work

Address

PhoneFax

Building permit - attachedapplied fornot
required

.....
date

.....
signature

.....
title, if applicable

FOR INTERNAL USE ONLY	File
Date received	Response

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
 Address

 Telephone Fax

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
 Address

 Telephone Fax

Qualifications of person preparing HIS
 (attach curriculum vitae)

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)

