



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.1.2
Heritage Advisory Committee
October 27, 2021

TO: Chair and Members of the Heritage Advisory Committee

SUBMITTED BY: *-Original Signed-*

Kelly Denty, Executive Director, Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: August 24, 2021

SUBJECT: **Case H00498: Amendment to By-law (H-200) to Revise Heritage Impact Statement Requirements**

ORIGIN

On April 14, 2020, Regional Council passed the following motion:

That Halifax Regional Council request a staff report with recommendations in support of protecting registered heritage properties when they are affected by development by considering the following items:

- i. That a heritage impact statement as defined by HRM By-law H-200 be required in support of any discretionary planning application or site plan approval application that includes or abuts a registered heritage property; and*
- ii. That heritage impact statements submitted to the municipality as part of any planning or heritage application be signed by a heritage professional as recognized by the Canadian Association of Heritage Professionals.*

LEGISLATIVE AUTHORITY

Heritage Property Act, R.S.N.S. 1989, c. 199
By-law H-200, Heritage Property By-law

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Halifax Regional Council adopt By-law H-204, amending By-law H-200, the Heritage Property By-law, as set out in Attachment B.

BACKGROUND

On April 14, 2020, Regional Council requested a staff report to review the requirements for heritage impact statements for development within or abutting registered heritage properties and to review the qualifications for professionals preparing heritage impact statements.

Under the *Heritage Property Act of Nova Scotia*, when a new development or site alteration is proposed for a registered heritage property that may affect or alter the character defining elements¹ of that property, Regional Council is required to approve the proposal as a 'substantial alteration' following an evaluation by staff and consideration by the Heritage Advisory Committee (HAC). The main policies guiding the evaluation of substantial alteration applications are the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd ed.* which were adopted as HRM's municipal conservation standards in 2014. While substantial alteration approval is triggered by, and often closely connected to all types of development approvals (both discretionary and as-of-right) it is a distinct and separate process.

Understanding and planning for the impacts of proposed alterations to a heritage property is critical to the best practices established in the HRM Conservation Standards. For the conservation planning process to be consistent with the Conservation Standards, the submission requirements for heritage applications must account for variables that are unique to each heritage property and encourage an increased understanding of the heritage property through a Heritage Impact Statement (HIS). Each standard should be reviewed in relation to the proposed work and the potential impact on the heritage value and character defining elements of a property or building.

Staff frequently require a HIS as relevant information in support of heritage applications. The recommendations in this report provide HRM with an opportunity to update heritage policies and provisions to reflect current practices, and to bring consistency to submission standards for heritage applications. The HIS provides a framework for evidence-based decision-making for staff and committees to develop recommendations and, ultimately, for council to make decisions. The Heritage Property By-law (H-200) currently includes a schedule consisting of a one-page outline of the required content of a HIS (see Attachment A). Applicants often request more information about the exact requirements of the HIS or submit Statements that do not adequately respond to the necessary criteria. This highlights the need to provide more detailed and clear expectations and criteria.

Regional Council's first request:

- 1) *That a heritage impact statement as defined by HRM By-law H-200 be required in support of any discretionary planning application or site plan approval application that includes or abuts a registered heritage property*

The Municipality can amend existing policies and provisions to require a HIS to support the review of proposals for the substantial alteration of registered municipal heritage properties throughout the entire region. The HIS can provide valuable information about these proposals and their impacts on heritage

¹ "character-defining elements" means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.

resources. The HIS can include additional historical research and documentation about the heritage properties and ensure that any proposed new construction is compatible with heritage structures and that significant character defining elements are preserved. The HIS can examine alternative development or site alteration approaches and recommend the best approach to mitigate or avoid potential negative impacts caused by any adverse impacts.

Demolition of Registered Heritage Property

An application for a demolition of a registered heritage property follows a standard approval process as outlined in the *Heritage Property Act* and includes additional requirements for public consultation beyond those requires for a substantial alteration. Proposals for demolition are also evaluated under the municipal conservation standards by staff and considered by HAC before going to Regional Council for approval.

Heritage Conservation Districts

HRM has one by-law pertaining to registered heritage properties: Heritage Property By-law (H-200). Three other heritage by-laws pertain to properties within Heritage Conservation Districts (HCDs). The Heritage Property By-law (H-200) includes requirements for Heritage Impact Statements which are identical to the Barrington Street HCD By-law (H-500). The more recently adopted Schmdtville HCD By-law (H-700) and Old South Suburb HCD By-law (H-800) include different requirements for Heritage Impact Statements. This report is not making recommendations for Heritage Impact Statements pertaining to HCD By-laws. The Municipality is currently preparing amendments to two of the three existing HCDs and preparing a HCD By-law for a new area in Downtown Halifax. The Municipality may amend existing HCD by-laws through this process to include provisions that are consistent with, or different from, the HIS requirements in the Heritage Property By-law.

This report addresses the Heritage Property By-law (H-200) only, since this by-law pertains to registered heritage properties. For clarity, registered heritage properties within a Heritage Conservation District shall not be subject to the HIS requirements of H-200. Instead, the HIS requirements of their respective HCD By-law should apply.

Heritage Property By-law, H-200

Currently, the Heritage Property By-law (H-200) may require a Heritage Impact Statement if a proposed development is a “rooftop addition” that exceeds “50% of the gross floor area of the existing building”. The required content of the Statement is outlined in Schedule A of the Heritage Property By-law, H-200 (see this Schedule in Attachment A). This requirement only applies in the Downtown Halifax Plan Area, and only applies to registered heritage property (not abutting properties).

The Heritage Impact Statement

The HIS is defined in the Heritage Property By-law, H-200, as a study to determine if any heritage resource will be impacted by a specific proposed development or site alteration. The statement must also demonstrate how the heritage resource will be conserved in the context of redevelopment or site alteration, and which measures, or alternative approaches may be recommended to mitigate or avoid potential negative impacts on a property’s character defining elements.

These provisions are insufficient since only large rooftop additions on registered heritage buildings currently require a HIS, and only in one area of HRM. Demolitions or other types of substantial alterations, resulting from discretionary planning applications or development permits currently do not require a HIS.

Abutting Development

The Regional Municipal Planning Strategy (RMPS) includes Policy CH-16 which aims to “consider a range of design solutions and architectural expressions that are compatible” with an abutting registered heritage property. Similar to a HIS, Policy CH-16 includes a list of provisions that must be addressed with abutting development including massing and design requirements, shadow mitigation, preservation of landscape open space, design of parking facilities, and placement of utility equipment. The development must also meet the heritage policies in the applicable Secondary Municipal Planning Strategy (SMPS).

Policy CH-16 applies throughout the municipality, except within the boundaries of the Regional Centre SMPS and the Downtown Halifax SMPS. These two documents contain their own policies and design requirements for abutting development (i.e. Policy 5.8 in the Regional Centre SMPS and Policy 49 of Downtown Halifax SMPS). This report is not making recommendations for Heritage Impact Statements pertaining to abutting development. The Municipality is currently preparing amendments to the RMPS², the Regional Centre SMPS³ and the Downtown Halifax SMPS. Through these documents, the Municipality will address the development policies pertaining to development abutting a registered heritage property to ensure that the requirements include provisions that are consistent with the Heritage Property By-law (H-200).

Regional Council's second request:

- 2) *That heritage impact statements submitted to the municipality as part of any planning or heritage application be signed by a heritage professional as recognized by the Canadian Association of Heritage Professionals.*

The Heritage Property By-law (H-200) does not currently include a provision to ensure that a HIS is prepared by a qualified heritage professional. As such, authors of HISs are not required to demonstrate experience in the conservation of heritage properties or in preparing these Statements. They are also not required to be members of a heritage professional organization.

The heritage values, character defining elements, and the integrity of heritage resources are at risk of negative impacts when a HIS is not prepared by a qualified heritage professional as part of the development approval process.

Heritage professional organizations

Membership in a heritage professional organization validates that the professional member has demonstrated experience in the conservation of heritage properties, documentation, and standards. There are two heritage professional organizations dedicated to recognizing and supporting heritage professionals in Canada:

The *Canadian National Committee of the International Council on Monuments and on Sites (ICOMOS Canada)* aims to bring together professionals from across Canada from a variety of heritage related disciplines to develop and discuss the theory and application of best practices for the conservation of buildings, landscapes, and sites. This heritage organization is focused on raising the quality of conservation care provided to heritage resources at national and international levels. Members are subject to ethical conservation practices and principles.

² <https://www.shapeyourcityhalifax.ca/regional-plan>

³ <https://www.shapeyourcityhalifax.ca/centre-plan>

The Canadian Association of Heritage Professionals (CAHP) focuses on supporting heritage professionals in a wide variety of heritage-related professions, whenever places of heritage value are identified and conserved. CAHP establishes standards of practice and promotes public and legislative support for heritage conservation. Members are held to the CAHP Code of Professional Conduct and Ethical standards, and professional membership in the association allows for the use of the CAHP accreditation.

Benchmarking

Staff reviewed the terms of references for Heritage Impact Statements in ten municipal jurisdictions for the purpose of this report (refer to Attachment C for analysis). At a minimum, these jurisdictions require a HIS for any development within a registered heritage property, and most also require one for new development adjacent to heritage properties. Most of these jurisdictions require a “qualified heritage conservation professional” to prepare the Statement.

DISCUSSION

Based upon staff’s experience and benchmarking, staff provide recommendations to each request of Council as follows:

Request #1

The Municipality often requests additional information about proposals for the exterior alteration or demolition of a heritage resource and its overall impact on the heritage property. A HIS is a comprehensive document designed to tackle issues arising in the review of complex development proposals affecting heritage resources. Depending on the degree of intervention on a heritage resource, such as a demolition or a large building addition, staff may require a HIS to accompany an application for a substantial alteration. For other interventions that do not alter the massing on a heritage property, such as a rehabilitation or restoration project, staff may only require certain supporting documentation, such as a site plan and elevation drawings, to support an application for a substantial alteration.

The overall quality and completeness of HISs submitted to the Municipality are important benchmarks to consider when revising requirements for the HIS. To ensure the Statement achieves its goal, staff are recommending revisions to the HIS requirements in the Heritage Property By-law (H-200).

Revisions to Heritage Impact Statement Requirements

Amendment to By-law H-200 to revise HIS requirements can improve the protection of registered heritage properties when affected by development (see Attachment B for amendments to By-H-200). The HIS can be employed more effectively as a planning tool for heritage conservation by revising the criteria for when a HIS is required and the procedures for preparing the HIS. These revisions are also based on an analysis of HISs in other Canadian municipal jurisdictions.

A new set of requirements for the HIS can detail the specific content and conditions of the Statement. Some examples of content details include an executive summary, research, statement of significance, mitigative and conservation strategies, and referenced materials. This level of detail is required in other Canadian municipalities, including the City of Toronto and City of Ottawa.

Request #2

The Heritage Property By-law currently does not include a definition for a qualified heritage professional nor does it require such a professional to prepare a HIS. In terms of the two professional heritage organization in Canada, ICOMOS Canada is focussed on developing best practice documentation for the conservation of buildings, landscapes, and sites in Canada, whereas CAHP is focussed on professional

practice directly affecting the identification and conservation of heritage properties. As such, CAHP accreditation is pertinent to the professional practice of preparing HISs for specific properties. CAHP is a professional organization that regulates the professional practices, methods, and standards of its members through rigorous entrance requirements and through a code of ethical standards. Several Canadian municipalities require CAHP accreditation for completion of heritage studies, including a HIS.

The HIS is an important planning tool that should be prepared by a qualified professional to ensure that the heritage values, character defining elements, and integrity of heritage resources are considered in the land development process. It is recommended that the Municipality define qualified heritage professional in the Heritage Property By-law (H-200) and require that HISs be prepared by professionals who can demonstrate experience in the conservation of heritage properties through CAHP professional membership and demonstrated experience in a field of professional practice relevant to the proposed development or alteration.

Not all local practicing heritage professionals currently have membership in CAHP or may be able to provide a CV as part of a submission to HRM Staff. If Regional Council adopts the proposed amendments to the Heritage Property By-law, staff recommend a transition period of one year during which these professionals can be notified of the new requirement through their relevant professional organizations before the requirement takes effect. This period will provide enough time for qualified heritage professionals to acquire the CAHP membership. Staff propose that a formal notice be disseminated through organizations including the Licensed Professional Planners Association of Nova Scotia (LPPANS), the Nova Scotia Association of Architects (NSAA), The Urban Development Institute (UDI), and the Developers Land Guild (DLG) notifying members of this pending change in requirements.

Conclusion

The Heritage Impact Statement is an important planning tool to ensure that the heritage values, character defining elements, and integrity of heritage resources are considered in the land development process. When there is a development proposal to demolish a heritage building or that may substantially alter the exterior massing of a heritage resource, it is recommended that the Municipality require the applicant to prepare and submit a complete HIS. In the case of a smaller development proposals, the Municipality may require certain necessary content in support of an application for substantial alterations, instead of a complete HIS. The recommended new set of requirements for the HIS details the specific content and conditions of the Statement to clarify its requirements and create consistent submission standards. Finally, it is recommended that the Municipality define a qualified heritage professional as a professional member of CAHP and require those preparing HISs to hold those credentials following a one-year transitional period to allow eligible local professionals to acquire this membership.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing Case H00498 can be accommodated within the approved 2021/22 operating budget for Cost Centre C340, Social and Heritage Policy.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report.

COMMUNITY ENGAGEMENT

The community engagement process for this project is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing achieved through public accessibility to the required Heritage Advisory Committee meeting.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

The Heritage Advisory Committee may recommend that Regional Council:

1. Approve the proposed amendments to the Heritage Property By-law, H-200, as provided in Attachment B, with changes. This alternative recommendation may result in a supplementary staff report.
2. Refuse the proposed amendments to the Heritage Property By-law, H-200, as provided in Attachment B. This is not the staff recommendation.

ATTACHMENTS

Attachment A: Content of Heritage Impact Statement in By-law H-200
Attachment B: Halifax Regional Municipality Amending By-law H-204
Attachment C: Heritage Impact Statement Requirements Analysis
Attachment D: Showing proposed changes to By-law H-200

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by Seamus McGreal, Planner III, 902-717-1568

ATTACHMENT A

Content of Heritage Impact Statement in By-H200

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.

HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER H-204
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, c. 199, that By-Law H-200, Respecting the Establishment of a Heritage Advisory Committee and a Civic Registry of Heritage Property, is amended as follows:

1. Section 2 is amended by adding clause (da) after clause (d) and before clause (e) as follows:

(da) “Heritage Planner” means an employee of the Municipality designated as a Heritage Planner by the Chief Administrative Office or designate;

2. Section 2 is amended by adding clause (ea) after clause (e) and before clause (f) as follows:

(ea) “Qualified Heritage Professional” means a professional member in good standing with the Canadian Association of Heritage Professionals;

3. Subsections 11(3) and 11(4) are repealed.

4. Sections 11A and 11B and the heading are added after subsection 11(2) and before section 12 as follows:

Applications for Substantial Alterations and Demolitions

11A (1) An application for a substantial alteration of a municipal heritage property shall include:

(a) drawings or photos showing the existing conditions and identifying existing materials, before the proposed alterations; and

(b) a written statement describing the scope of work and rationale for the proposed alterations.

(2) Upon review of the application, the Heritage Planner may require the applicant to submit such additional information as the Heritage Planner may require, including:

(a) detailed elevation drawings of the areas affected by the proposed alterations, identifying all proposed materials; and

(b) site plan, drawn to scale, showing the proposed alterations,

and such plans and drawings shall be prepared by an appropriately qualified professional and must be scalable and clearly labelled.

11B (1) Outside the boundaries of any Heritage Conservation District, where an application is made for:

(a) the demolition of a municipal heritage property; or

(b) the substantial alteration of a registered heritage property where the gross floor area of any proposed new construction exceeds fifty percent (50%) of the gross floor area of the existing building(s) on the property,

a complete application shall include a Heritage Impact Statement in accordance with Schedule A-1.

(2) The Heritage Impact Statement shall be prepared by a Qualified Heritage Professional with knowledge of accepted heritage conservation standards, and experience in a field of professional practice relevant to the proposed work.

(3) Upon review of the Heritage Impact Statement, the Heritage Planner may require the applicant to submit such additional information as the Heritage Planner may deem necessary for the Heritage Impact Statement to be complete.

(4) The complete Heritage Impact Statement shall become part of the application.

(5) Subsection (2) comes into effect one year from the date of the approval of By-law H-204 by the Minister.

5. Schedule A is repealed and replaced with Schedule A-1.

Done and passed in Council this _____ day of _____, 2021.

Mayor

Municipal Clerk

Schedule A-1 Requirements for a Heritage Impact Statement

A Heritage Impact Statement (herein called the Statement) is a study to determine if any heritage resource will be impacted by a specific proposed development or site alteration, and demonstrates how the heritage resource will be conserved in the context of redevelopment or site alteration by recommending mitigative or avoidance measures, alternative development or site alteration approaches. A Statement should clearly and directly inform the proposed development or alteration, and provide a strong rationale for the proposed intervention based on accepted conservation standards.

A Statement is an important planning tool to ensure that the heritage values, character defining elements, and integrity of heritage resources are considered in the land development process. The Municipality will use the Statement to provide comments to the applicant on a proposed development, and to make recommendations and decisions about the development project. The requirements below describe the content of a Statement.

The following information shall be included in a Heritage Impact Statement:

1. Introduction: Subject Property and Heritage Impact Statement

The Statement shall include an introduction section that addresses the following:

- 1.1 Information about the purpose of the Statement, author, and date prepared;
- 1.2 An executive summary that provides a description of the existing site, heritage value and character defining elements of the heritage resources, and the impacts that the proposed development or site alterations will have on the heritage resource(s) and surrounding environment. The summary shall include an explanation of the recommended mitigation and conservation measures, including methods used, and clarification as to why specific mitigation and conservation measures, or alternative development or site alteration approaches are not recommended;
- 1.3 Site plans showing the existing site and proposed development;
- 1.4 Name and mailing address for current owner; and
- 1.5 Information about the qualifications of the author including current professional membership credentials and relevant field of professional practice.

2. Background Research and Analysis

Background research and analysis shall be provided, which at a minimum includes a review of the municipal heritage property file for the subject property. If available, the following information shall be included:

- 2.1 Comprehensive written and visual research, with source information and references, and analysis related to the heritage value of the property, above and beyond what is available in the municipal heritage file;
- 2.2 A description of the evolution of the property over time including original construction, additions, and alterations with dates of construction supported by documentary or physical evidence; and

2.3 Research material shall include relevant historic maps, drawings, photographs, sketches/renderings, permit records, land records, directories, etc. as may be available.

3. Statement of Significance

A Statement of Significance is necessary to evaluate a proposed intervention using the Conservation Standards. The Statement of Significance may be used, in whole or in part, by the Municipality in crafting its statement of significance for the subject property. The Statement of Significance shall include the following:

- 3.1 New research and analysis of the property as well as information contained in the heritage file;
- 3.2 A statement of heritage value and character defining elements as defined in the *Heritage Property Act of Nova Scotia*. The Statement of Significance will be written in a way that does not respond to or anticipate any current or proposed interventions; and
- 3.3 Professional quality photographs of the heritage resource illustrating character defining elements of the heritage property in their present state.

4. Assessment of Existing Conditions

The Municipality requires current information about the conditions of the property and its heritage resources to evaluate the application. The following information is required:

- 4.1 A comprehensive written and visual description of the existing conditions of the subject property. (see Appendices, below, for visual description requirements);
- 4.2 High-quality colour photographs of all heritage resource(s) in their current condition, including:
 - i) Views of the area surrounding the property to show it in context with adjacent properties;
 - ii) Exterior views of each elevation of all affected heritage resources, showing the condition of potential character-defining elements; and
 - iii) Views of the property including all significant landscape features;
- 4.3 A description of all applicable municipal requirements affecting the subject property (i.e. Building Code, plan policies, zoning, engineering, etc.); and
- 4.4 If the structural integrity of the existing structures is identified as a concern, a structural and engineering assessment is required (see Appendices, below, for requirements).

5. Description of the Proposed Development or Site Alteration

The Municipality requires information about the proposed development or site alteration to understand the larger context of a proposed intervention on a heritage resource. This information shall include:

- 5.1 A written description of the proposed development or site alteration;
- 5.2 A visual description of the proposed development or site alteration (see Appendices, below, for requirements); and

5.3 Description and drawings shall note which parts of the heritage resources are considered for retention and which parts are considered for removal or alteration.

6. Impact of Development or Site Alteration

The Statement requires a full assessment of the proposed development and its impact on a heritage resource to ensure that there are no unforeseen negative impacts beyond the proposed intervention on the heritage resource. Negative impacts on heritage resource(s) include, but are not limited to:

- 6.1 Destruction of any, or part of any, heritage resources or character defining elements;
- 6.2 Alterations or interventions that are not subordinate to, or compatible with, the character of the heritage resources;
- 6.3 Shadows created that obscure a heritage resource or alter the viability of an associated natural feature or plantings, such as a garden;
- 6.4 Isolation of a heritage resource or character defining element from its surrounding environment, context, or a significant visual relationship;
- 6.5 Direct or indirect obstruction of significant views of the heritage resources from the public Right of Way;
- 6.6 A change in use which affects the property's heritage value; and
- 6.7 Land disturbances such as alterations to grade that change soil and drainage patterns to the detriment of heritage resources, including potential archaeological resources.

7. Considered Alternatives and Mitigative Strategies

The Statement requires an assessment of alternative options and mitigative strategies to ensure that the proposed intervention on the heritage resource is the best or only option available. Mitigative strategies shall be considered for all options to reduce the impact of the proposed intervention on a heritage resource. An assessment of alternative options, shall consider and include the following:

- 7.1 Alternative development approaches, which shall not be limited to demolition, and shall address the full retention of heritage resource(s), rehabilitation, relocation, and other alternatives;
- 7.2 Concealing new development and site alterations so as not to negatively impact significant character defining elements and views from the public right-of-way;
- 7.3 Design concepts that use mass, setback, setting, and materials to complement the heritage resource(s);
- 7.4 Limiting height and density where new construction is not subordinate or compatible with the heritage resource(s);
- 7.5 Allowing only compatible infill and additions;
- 7.6 Reversible alterations;
- 7.7 All alternative options shall be explored and discussed, before the relocation or demolition of a heritage resource is considered as an appropriate option;
- 7.8 Alternatives and strategies shall consider all applicable municipal requirements affecting the subject property (i.e. Building Code, plan policies, zoning, engineering, etc.); and

7.9 Where a property cannot be conserved, a full analysis will be provided to explain the reasons for this conclusion and the salvaging potential of the property will be discussed including options for documentation of existing heritage resources and their symbolic commemoration as part of a new development.

8. Conservation Strategy

The Statement shall include a conservation strategy for the best option selected for the proposed development and describe how the mitigative measures will be implemented. In the case of a demolition application, the strategy will make recommendations for additional studies, documentation and salvage to be completed prior to the demolition of the heritage resource. A conservation strategy to protect and enhance heritage value and character defining elements of the heritage resource(s) shall include, at a minimum:

- 8.1 A methodology for mitigation of negative impacts;
- 8.2 A scope of work and methodology for the conservation project;
- 8.3 An implementation and monitoring plan for the mitigation and conservation;
- 8.4 References to any appropriate precedents and to all relevant conservation standards; and
- 8.5 Recommendations for additional studies related to restoration, interpretation and commemoration strategies, lighting, signage, landscaping, structural analysis, long-term heritage conservation plan, and additional written and photographic documentation prior to any proposed alteration or demolition of a heritage resource.

9. Appendices

The following items shall be submitted as appendices, and not embedded in the Statement:

- 9.1 A bibliography, listing source materials, including persons and institutions consulted;
- 9.2 Information and a Curriculum Vitae for the author demonstrating experience in the conservation of heritage properties which includes current professional heritage membership credentials and an explanation of expertise in a relevant field of professional practice.
- 9.3 Detailed elevation drawings, to scale, or photographs of the existing heritage resources identifying all existing materials;
- 9.4 Detailed landscape plan, to scale, identifying all heritage resources and landscape features;
- 9.5 Detailed landscape plan, to scale, identifying the proposed development and/or site alteration and its integration with all heritage resources and landscape features;
- 9.6 Detailed elevation drawings of the proposed development, its surrounding context, its integration with all heritage resources and identifying all existing and proposed materials;
- 9.7 Digital illustrations of the proposed development and/or site alteration, including surrounding context, from the perspective of a person standing in the adjacent right-of-way to illustrate the new construction and its orientation and integration with the heritage resources and adjacent properties from the perspective of a person at ground level.

9.8 In the case of a proposed demolition, a structural engineering assessment to confirm if conservation, rehabilitation and/or restoration are feasible options. Assessments must be conducted by qualified professionals with heritage property experience.

All submitted plans and drawings must be prepared by an appropriate qualified professional and must be scalable and clearly labelled.

ATTACHMENT C
Heritage Impact Statement Requirements Analysis

Jurisdiction	When is the heritage study required?	Required Heritage Professional Certification	Terms of Reference
Ontario The Ontario Heritage Act (Section 27), Provincial Policy Statement			
City of Toronto	<ul style="list-style-type: none"> • Official Plan Amendment • Zoning By-law Amendment • Plans of Subdivision • Site Plan Control <p>At staff discretion:</p> <ul style="list-style-type: none"> • Consent and/or Minor Variance and Building Permit applications for any property included in the City's Inventory of Heritage Properties • Where properties adjacent to a cultural heritage resource are subject to the items identified above 	Qualified heritage conservation professional	Heritage Impact Assessment/Conservation Strategy
Town of Oakville	<p>When a development or redevelopment of property is proposed:</p> <ul style="list-style-type: none"> • On, adjacent to, or in the immediate vicinity of, an individually designated historic property; • Within, adjacent to, or in the immediate vicinity of, the boundaries of a Heritage Conservation District; or, • On a property listed on the Oakville Register of Properties of Cultural Heritage Value or Interest. 	Qualified Heritage Specialist. The CAHP website is referenced; however, it is noted that not all CAHP members may be qualified to complete a HIA.	Development Application Guidelines: Heritage Impact Assessment for a Built Heritage Resource
Town of Milton	<p>A HIA may be required for the following application types, if the proposal affects a cultural heritage resource or affects a property that is adjacent to a cultural heritage resource:</p> <ul style="list-style-type: none"> • Official Plan Amendment 	Must be prepared by qualified professionals such as architectural heritage consultants, and/or landscape heritage consultants with applied and demonstrated knowledge of accepted	Heritage Impact Assessment Terms of Reference

	<ul style="list-style-type: none"> • Zoning By-law Amendment • Plan of Subdivision • Site Plan • Consent • Minor Variance • Building Permit • Heritage Permit • Demolition Permit 	standards of heritage conservation, historical research, identification and evaluation of cultural heritage value, mitigation and similar matters. The qualifications and background of the heritage consultant shall be included in the report.	
City of Mississauga	<p>A HIA may be required:</p> <ul style="list-style-type: none"> • On a designated or individually listed property on the City's Heritage Register; or, • Where development is proposed adjacent to a known heritage resource. <p>The requirement may also apply to unknown or recorded heritage resources discovered during the application stage or construction.</p>	The author must be a qualified heritage consultant by having Professional standing with the Canadian Association of Heritage Professionals and/or clearly demonstrate through a Curriculum Vitae, his/her experience in writing such Assessments or experience in the conservation of heritage places. The Assessment will also include a reference for any literature cited, and a list of people contacted during the study and referenced in the report.	City of Mississauga Heritage Impact Assessment Terms of Reference
City of Brampton	<p>An HIA is required for the following:</p> <ul style="list-style-type: none"> • Any property listed or designated in the municipal heritage register that is subject to land use planning applications; • Any property listed or designated in the municipal heritage register that is facing possible demolition; and, • Any property that is subject to land use planning applications and is adjacent to a property designated in the municipal heritage register. <p>Any property that may exhibit cultural heritage value or interest or 'heritage potential' as determined by City staff will be subject to an appropriate level of heritage due diligence and may require an HIA.</p> <p>A HIA may also be required for the following:</p>	<ul style="list-style-type: none"> • All heritage impact assessments, conservation plans, adaptive reuse plans, security plans and/or related studies must be prepared by qualified professionals with applied and demonstrated knowledge of accepted standards of heritage conservation, historical research, identification, evaluation of cultural heritage value or interest, mitigation, and the like. • All heritage consultants submitting heritage impact assessments must be members in good standing of the Canadian 	Heritage Impact Assessment – Terms of Reference

	<ul style="list-style-type: none"> Any property that is subject to land use planning applications and is adjacent to a property listed in the municipal heritage register. 	Association of Heritage Professionals.	
City of Ottawa	<p>A Cultural Heritage Impact Statement (CHIS) is required when a proposed intervention (i.e. alteration, addition, partial demolition, demolition, relocation or new construction) on cultural heritage resources have the potential to:</p> <ul style="list-style-type: none"> Adversely impact the cultural heritage value of properties designated under Part IV of the Ontario Heritage Act (OHA); or, Adversely impact the cultural heritage value of districts designated under Part V of the OHA. <p>A CHIS may also be required for development applications adjacent to or within 35 metres of designated buildings and areas, or development applications adjacent to the Rideau Canal, the Central Experimental Farm, a national historic site, a federally designated (FHBRO) building, a building with a heritage easement, or a building on the heritage register.</p>	An independent professional opinion.	Guide to Preparing Studies and Plans
City of Vaughan	<p>For an alteration, addition, demolition or removal of a designated heritage property, an impact assessment is required when:</p> <ul style="list-style-type: none"> An Official Plan amendment; A Zoning By-law amendment; A Block Plan approval; A Plan of Subdivision; A minor variance; or, A site plan application. <p>When development is proposed on a property that is not designated but is listed on the Heritage Register, an impact assessment is required:</p> <ul style="list-style-type: none"> The proposal requires an Official Plan amendment, a zoning by-law amendment, a plan of subdivision, a plan of condominium, a minor variance or a site plan application; 	Qualified heritage specialist to prepare the Cultural Heritage Impact Assessment. The Terms of Reference directs applicants to the CAHP members website.	Guidelines for Cultural Heritage Impact Assessments

	<ul style="list-style-type: none"> • The proposal involves the demolition of a building or the removal of a building or part thereof or a heritage landscape feature; or, • There is potential for adverse impact to a cultural heritage resource from the proposed development. <p>When development is proposed on a property adjacent to a property that is not designated under the Ontario Heritage Act but is listed on the Heritage register, recognized as Cultural heritage character area, or identified as having potential cultural heritage value:</p> <ul style="list-style-type: none"> • The applicant shall submit a Cultural heritage impact assessment is through the development approval process it is determined that there is potential for adverse impact on the adjacent heritage resource from the proposed development. 		
British Columbia Heritage Conservation Act, Heritage Impact Assessments Terms of Reference			
City of Vancouver	The Director of Planning may require the applicant for the approval: <ul style="list-style-type: none"> • To provide the Director of Planning with an impact assessment, at the expense of the applicant; or, • To permit the Director of Planning to obtain an impact assessment. 	A Notice of Order from the Director of Planning must include the necessary qualifications of the person or persons undertaking studies to produce the impact assessment. The Director of Planning is authorized to determine whether the specifications included in a notice of order regarding an impact assessment have been met.	Heritage Procedure By-law No. 11350
Saskatchewan Provincial requirements generally for Archaeology			
City of Saskatoon	Developers of large-scale projects that include or are adjacent to heritage resources to prepare a heritage impact statement as a way of generating information necessary for designation and a conservation plan.	Not identified.	City of Saskatoon Heritage Plan

Prince Edward Island

[Heritage Places Protection Act](#)

Heritage Impact Statements appear to be required at a provincial level (See Form 10 of Heritage Places Protection Act)

Newfoundland and Labrador

City of St. John's

The City of St. John's is exploring the option to require [Heritage Reports](#) through their draft [Heritage By-law](#), based on a review of best practice from other Canadian jurisdictions.

Attachment A – Heritage Impact Statement Contents

An example of a Heritage Impact Statement Terms of Reference is identified below. The City of Toronto's Terms of Reference was used as a starting point. If the City's Terms of Reference did not include certain elements from the other Terms of References identified above, those elements were added in *italics*.

1. Introduction to Development Site

- A location plan indicating the subject property (Property Data Map and Aerial photo)
- A written and visual description of the site identifying significant features, buildings, landscapes and vistas.
- A written and visual description of the cultural heritage resource(s) contained within the development site identifying significant features, buildings, landscape, vistas and including any heritage recognition of the property with existing heritage descriptions as available.
- A concise written and visual description of the context including adjacent heritage properties and their recognition and any yet unidentified potential cultural heritage resource(s).
- Present owner contact information (**This is redacted in Mississauga due to Freedom of Information and Protection of Privacy Act**).
- *Provide a background on the purpose of the HIA by outlining why it was undertaken, by whom, and the date(s) the evaluation took place. Briefly outline the methodology used to prepare the assessment.*

2. Background Research and Analysis

- Comprehensive written and visual research and analysis related to the cultural heritage value or interest of the site (both identified and unidentified): physical or design, historical or associative, and contextual.
- A development history of the site including original construction, additions, and alterations with substantiated dates of construction.
- Research material to include relevant historic maps and atlases, drawings, photographs, sketches/renderings, permit records, land records, assessment rolls, City directories, etc.
- *The applicant must provide a description of all relevant municipal or agency requirements which will be applied to the subject property, and when implemented may supplement, supersede and/or affect the conservation of heritage resources (i.e. Building Code requirements, Zoning requirements, Transportation and Works requirements.)*

3. Statement of Significance

- A statement of significance identifying the cultural heritage value and heritage attributes of the cultural heritage resource(s). This statement will be informed by current research and analysis of the site as well as pre-existing heritage descriptions. This statement is to follow provincial guidelines.
- The statement of significance will be written in a way that does not respond to or anticipate any current or proposed interventions. The City may, at its discretion and upon review, reject or use the statement of significance, in whole or in part, in crafting its own statement of significance (reasons or listing or designation) for the subject property.
- Professional quality record photographs of the cultural heritage resource in its present state.

4. Assessment of Existing Condition

- A comprehensive written description and high-quality color photographic documentation of the cultural heritage resource(s) in its current condition. *This should include floor plans.*
- *Current photographs of the property, including:*
 - i. Views of the area surrounding the property to show it in context with adjacent properties*
 - ii. Exterior views of each elevation of each building*
 - iii. Views of the property including all significant landscape features*
 - iv. Interior views of each room in each building*
 - v. Close-up views of all significant interior heritage features*
- *If the structural integrity of existing structures appears to be a concern, recommend the undertaking of a follow-up structural and engineering assessment to confirm if conservation, rehabilitation and/or restoration are feasible. Assessments must be conducted by qualified professionals with heritage property experience.*

5. Description of the Proposed Development or Site Alteration

- A written and visual description of the proposed development or site alteration.
- *A conceptual site plan and conceptual drawings of all building elevations.*
- *Description and drawings should note which heritage attribute(s) are considered for retention and which are considered for removal or alteration.*
- *Note: An architectural drawing indicating the subject property streetscape with properties to either side of the subject lands must be provided. The purpose of this drawing is to provide a schematic view of how the new construction is oriented and integrates with the adjacent properties from a streetscape perspective. The drawing must therefore show, within the limits of defined property lines, an outline of the building mass of the subject property and the existing neighbouring properties, along with significant trees or any other landscape or landform*

features. A composite photograph may accomplish the same purpose with a schematic of the proposed building drawn in.

6. Impact of Development or Site Alteration

- An assessment identifying any impact the proposed development or site alteration may have on the cultural heritage resource(s). Negative impacts on a cultural heritage resource(s) as stated in the Ontario Heritage Tool Kit include, but are not limited to:
 - i. Destruction of any, or part of any, significant heritage attributes or features
 - ii. Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance
 - iii. Shadows created that alter the appearance of a heritage attribute or change the viability of an associated natural feature or plantings, such as a garden
 - iv. Isolation of a heritage attribute from its surrounding environment, context or a significant relationship
 - v. Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features
 - vi. A change in land use (such as rezoning a church to a multi-unit residence) where the change in use negates the property's cultural heritage value
 - vii. Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect a cultural heritage resource, including archaeological resources

7. Considered Alternatives and Mitigation Strategies

- An assessment of alternative options, mitigation measures, and conservation methods that may be considered in order to avoid or limit the negative impact on the cultural heritage resource(s). Methods of minimizing or avoiding a negative impact on a cultural heritage resource(s) as stated in the Ontario Heritage Tool Kit include, but are not limited to:
 - i. Alternative development approaches
 - ii. Isolating development and site alteration from significant built and natural features and vistas
 - iii. Design guidelines that harmonize mass, setback, setting, and materials
 - iv. Limiting height and density
 - v. Allowing only compatible infill and additions
 - vi. Reversible alterations
- *Alternatives and strategies should have consideration for relevant cultural heritage policies.*
- *Recommendations for additional studies to be undertaken related to, but not limited to: restoration specifics, design guidelines, interpretation and commemoration, lighting, signage, landscaping, structural analysis, additional written and photo documentation prior to demolition and long-term maintenance plan. A conservation plan, adaptive reuse plan and/or structural/engineering assessment.*

- *When a property cannot be conserved a full analysis will be provided explaining the reasons for why this conclusion has been drawn. In addition, alternative mitigation measures will be provided, where possible, and the salvaging potential of the property will be analysed.*
- *Only when other options can be demonstrated not to be viable will options such as relocation, ruinification or symbolic conservation be considered.*
- *Relocation of a heritage resource may indicate a move within or beyond the subject property. The appropriate context of the resource must be considered in relocation. Runification allows for the exterior only of a structure to be maintained on a site. Symbolic conservation refers to the recovery of unique heritage resources and incorporating those components into new development or using a symbolic design method to depict a theme or remembrance of the past.*
- *If the subject property abuts to one or more listed or designated heritage properties, identify development impacts and provide recommended mitigation strategies to ensure the heritage resources on the adjacent properties are not negatively impacted. Mitigation strategies include, but are not limited to: vegetation screening; fencing; buffers; site lines; an architectural design concept for the massing and façade treatment of proposed buildings to ensure compatibility with the adjoining property and the like.*
- *An implementation schedule and reporting/monitoring system for implementation of the recommended conservation or mitigation strategies may be required.*

8. Conservation Strategy

- The preferred strategy recommended to best protect and enhance the cultural heritage value and heritage attributes of the cultural heritage resource(s) including, but not limited to:
 - i. A mitigation strategy including the proposed methods;
 - ii. A conservation scope of work including the proposed methods; and
 - iii. An implementation and monitoring plan.
- Recommendations for additional studies/plans related to, but not limited to: conservation; site specific design guidelines; interpretation/commemoration; lighting; signage; landscape; stabilization; additional record and documentation prior to demolition; and long-term maintenance.
- Referenced conservation principles and precedents.

9. Summary Statement

- *A Summary Statement will be included. This should provide a full description of: the significance and heritage attributes of the cultural heritage resources; the impact that the proposed development will have on the cultural heritage resource(s) and its surroundings; an explanation of conservation or mitigation measures, or alternative*

development, or site alteration approaches that are recommended; and, clarification as to why specific conservation or mitigation measures, or alternative development or site alteration approaches are not appropriate.

10. Recommendation

- *The HIA must include a recommendation as to whether the subject property is worthy of heritage designation in accordance with the heritage designation criteria, or a justification why a property is not considered to meet the criteria for heritage designation.*
- *A recommendation regarding the future preservation of the heritage resource(s), appropriate mitigation measure such as relocation, ruinification or symbolic conservation, and, if necessary, a list of items that should be salvaged, if demolition is proposed.*

11. Appendices

- *A bibliography listing source material used, and institutions consulted in preparing the HIA.*
- *A summary of the author's qualifications.*

The HIA will be reviewed by Heritage Staff to determine whether all the requirements of this Terms of Reference have been met and to evaluate the preferred option(s). The HIA will be circulated to Heritage Milton for information and discussion. The HIA may be subject to peer review by a qualified heritage consultant. The applicant will be notified of Staff's comments and acceptance, or rejection of the report. An accepted HIA will become part of the further processing of a development application. The recommendations within the HIA may be incorporated into development related legal agreements between the Town of Milton and the proponent at the discretion of the municipality.

The Town of Oakville reserves the right to request an independent peer review of a heritage impact assessment for a built heritage resource at the development proponent's cost. Heritage Planning staff will facilitate peer reviews if deemed necessary by the Director of Planning. Peer reviews will evaluate the assessments provided in heritage impact assessments. These reviews may include, but are not limited to, addressing inconsistencies, factual errors, discrepancies, inappropriate conservation advice not consistent with recognized standards, omissions and misrepresentations.

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.”
 - (da) “Heritage Planner” means an employee of the Municipality designated as a Heritage Planner by the Chief Administrative Officer or designate;
 - (e) “Municipal Heritage Property” means a building, public building interior, streetscape, cultural landscape or area registered in the Registry of Heritage Property for the Halifax Regional Municipality;
 - (ea) “Qualified Heritage Professional” means a professional member in good standing with the Canadian Association of Heritage Professionals;
 - (f) “Region” means Halifax Regional Municipality; and

- (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 Region respecting:
 - (a) the inclusion of buildings, public building interiors, streetscapes, cultural landscapes or areas in the Registry;
 - (b) the identification of natural and archaeological features which could be considered for protection through the Special Places Protection Act;

Attachment D – Showing Proposed Changes

- (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, public building interiors, streetscapes, cultural landscapes 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, public building interiors, streetscapes, cultural landscapes 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, public building interior, streetscape, cultural landscape or area be registered as a municipal heritage property shall be in Form A and shall be deposited in the Registry of Deeds.

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 a report of the activities of the Committee for the previous year.

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 XV of the *Halifax Regional Municipality Charter*, 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 Region to administer this By-law may require a Heritage Impact Statement.~~ Repealed.
- (4) ~~The content of a Heritage Impact Statement shall be as described in Schedule ‘A.’~~ Repealed.

Applications for Substantial Alterations and Demolitions

- 11A (1) An application for a substantial alteration of a municipal heritage property shall include:
 - (a) drawings or photos showing the existing conditions and identifying existing materials, before the proposed alterations; and
 - (b) a written statement describing the scope of work and rationale for the proposed alterations.

- (2) Upon review of the application, the Heritage Planner may require the applicant to submit such additional information as the Heritage Planner may require, including:
- (a) detailed elevation drawings of the areas affected by the proposed alterations, identifying all proposed materials; and
 - (b) site plan, drawn to scale, showing the proposed alterations,
- and such plans and drawings shall be prepared by an appropriately qualified professional and must be scalable and clearly labelled.

11B (1) Outside the boundaries of any Heritage Conservation District, where an application is made for:

- (a) the demolition of a municipal heritage property; or
- (b) the substantial alteration of a registered heritage property where the gross floor area of any proposed new construction exceeds fifty percent (50%) of the gross floor area of the existing building(s) on the property,

a complete application shall include a Heritage Impact Statement in accordance with Schedule A-1.

- (2) The Heritage Impact Statement shall be prepared by a Qualified Heritage Professional with knowledge of accepted heritage conservation standards, and experience in a field of professional practice relevant to the proposed work.
- (3) Upon review of the Heritage Impact Statement, the Heritage Planner may require the applicant to submit such additional information as the Heritage Planner may deem necessary for the Heritage Impact Statement to be complete.
- (4) The complete Heritage Impact Statement shall become part of the application.
- (5) Subsection (2) comes into effect one year from the date of the approval of By-law H-204 by the Minister.

Conservation Standards

- 12** Applications for alteration of a registered heritage property shall be evaluated in accordance with the Standards for the Conservation of Historic Places in Canada, 2nd Edition as set forth in Schedule ‘B-1’: The Guidelines for the Conservation of

Historic Places in Canada, 2nd Edition shall be used to interpret and apply the Standards.

- 12A (i) Notwithstanding section 12, any complete application for alteration of a registered heritage property on file before the date of first publication of the notice of intention to adopt By-law H-202 shall be considered subject to the Heritage Building Conservation Standards that were in effect at the time the complete application was received.
- (ii) Where any complete application is withdrawn, significantly altered, or refused by Council after the date of first publication of the notice of intention to adopt By-law H-202, any new or significantly altered application shall be subject to the Standards for the Conservation of Historic Places in Canada, 2nd Edition.

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

Attachment D – Showing Proposed Changes

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, PID, 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, and any other associated heritage values.)

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 consequences of registration in the Registry of Heritage Property for the Halifax Regional Municipality described in paragraph 1 would be that:

(a) 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; or

(b) where such application is not approved the owner may make the alterations described in his or her application or carry out the proposed demolition at any time after three years but not more than four 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 _____, 20____ 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 _____, 20____ .

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, PID, location, 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 , 20 .

2 The consequences of registration in the Registry of Heritage Property for the Halifax Regional Municipality are that:

(a) 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; or

(b) where an application is not approved, the owner may make the alteration described in his or her application or carry out the proposed demolition at any time after ~~one~~ three years but not more than ~~two~~ four years from the date of application.

DATED this day of , 20 .

(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, PID, location, 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 _____, 20_____.

DATED this _____ day of _____, 20_____.

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, PID, location, 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 _____, 20____
at this time in the Registry of Heritage Property for the Halifax Regional Municipality by the
Halifax Regional Council, on _____, 20____.

2 The consequence 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 _____, 20____.

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

Attachment D – Showing Proposed Changes

~~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 A-1
Requirements for a Heritage Impact Statement

A Heritage Impact Statement (herein called the Statement) is a study to determine if any heritage resource will be impacted by a specific proposed development or site alteration, and demonstrates how the heritage resource will be conserved in the context of redevelopment or site alteration by recommending mitigative or avoidance measures, alternative development or site alteration approaches. A Statement should clearly and directly inform the proposed development or alteration, and provide a strong rationale for the proposed intervention based on accepted conservation standards.

A Statement is an important planning tool to ensure that the heritage values, character defining elements, and integrity of heritage resources are considered in the land development process. The Municipality will use the Statement to provide comments to the applicant on a proposed development, and to make recommendations and decisions about the development project. The requirements below describe the content of a Statement.

The following information shall be included in a Heritage Impact Statement:

1. Introduction: Subject Property and Heritage Impact Statement

The Statement shall include an introduction section that addresses the following:

- 1.1 Information about the purpose of the Statement, author, and date prepared;
- 1.2 An executive summary that provides a description of the existing site, heritage value and character defining elements of the heritage resources, and the impacts that the proposed development or site alterations will have on the heritage resource(s) and surrounding environment. The summary shall include an explanation of the recommended mitigation and conservation measures, including methods used, and clarification as to why specific mitigation and conservation measures, or alternative development or site alteration approaches are not recommended;
- 1.3 Site plans showing the existing site and proposed development;
- 1.4 Name and mailing address for current owner; and
- 1.5 Information about the qualifications of the author including current professional membership credentials and relevant field of professional practice.

2. Background Research and Analysis

Background research and analysis shall be provided, which at a minimum includes a review of the municipal heritage property file for the subject property. If available, the following information shall be included:

- 2.1 Comprehensive written and visual research, with source information and references, and analysis related to the heritage value of the property, above and beyond what is available in the municipal heritage file;
- 2.2 A description of the evolution of the property over time including original construction, additions, and alterations with dates of construction supported by documentary or physical evidence; and
- 2.3 Research material shall include relevant historic maps, drawings, photographs, sketches/renderings, permit records, land records, directories, etc. as may be available.

3. Statement of Significance

A Statement of Significance is necessary to evaluate a proposed intervention using the Conservation Standards. The Statement of Significance may be used, in whole or in part, by the Municipality in crafting its statement of significance for the subject property. The Statement of Significance shall include the following:

- 3.1 New research and analysis of the property as well as information contained in the heritage file;
- 3.2 A statement of heritage value and character defining elements as defined in the *Heritage Property Act of Nova Scotia*. The Statement of Significance will be written in a way that does not respond to or anticipate any current or proposed interventions; and
- 3.3 Professional quality photographs of the heritage resource illustrating character defining elements of the heritage property in their present state.

4. Assessment of Existing Conditions

The Municipality requires current information about the conditions of the property and its heritage resources to evaluate the application. The following information is required:

- 4.1 A comprehensive written and visual description of the existing conditions of the subject property. (see Appendices, below, for visual description requirements);
- 4.2 High-quality colour photographs of all heritage resource(s) in their current condition, including:
 - i) Views of the area surrounding the property to show it in context with adjacent properties;
 - ii) Exterior views of each elevation of all affected heritage resources, showing the condition of potential character-defining elements; and
 - iii) Views of the property including all significant landscape features;
- 4.3 A description of all applicable municipal requirements affecting the subject property (i.e. Building Code, plan policies, zoning, engineering, etc.); and

4.4 If the structural integrity of the existing structures is identified as a concern, a structural and engineering assessment is required (see Appendices, below, for requirements).

5. Description of the Proposed Development or Site Alteration

The Municipality requires information about the proposed development or site alteration to understand the larger context of a proposed intervention on a heritage resource. This information shall include:

- 5.1 A written description of the proposed development or site alteration;
- 5.2 A visual description of the proposed development or site alteration (see Appendices, below, for requirements); and
- 5.3 Description and drawings shall note which parts of the heritage resources are considered for retention and which parts are considered for removal or alteration.

6. Impact of Development or Site Alteration

The Statement requires a full assessment of the proposed development and its impact on a heritage resource to ensure that there are no unforeseen negative impacts beyond the proposed intervention on the heritage resource. Negative impacts on heritage resource(s) include, but are not limited to:

- 6.1 Destruction of any, or part of any, heritage resources or character defining elements;
- 6.2 Alterations or interventions that are not subordinate to, or compatible with, the character of the heritage resources;
- 6.3 Shadows created that obscure a heritage resource or alter the viability of an associated natural feature or plantings, such as a garden;
- 6.4 Isolation of a heritage resource or character defining element from its surrounding environment, context, or a significant visual relationship;
- 6.5 Direct or indirect obstruction of significant views of the heritage resources from the public Right of Way;
- 6.6 A change in use which affects the property's heritage value; and
- 6.7 Land disturbances such as alterations to grade that change soil and drainage patterns to the detriment of heritage resources, including potential archaeological resources.

7. Considered Alternatives and Mitigative Strategies

The Statement requires an assessment of alternative options and mitigative strategies to ensure that the proposed intervention on the heritage resource is the best or only option available. Mitigative strategies shall be considered for all options to reduce the impact of the proposed intervention on a heritage resource. An assessment of alternative options, shall consider and include the following:

- 7.1 Alternative development approaches, which shall not be limited to demolition, and shall address the full retention of heritage resource(s), rehabilitation, relocation, and other alternatives;
- 7.2 Concealing new development and site alterations so as not to negatively impact significant character defining elements and views from the public right-of-way;
- 7.3 Design concepts that use mass, setback, setting, and materials to complement the heritage resource(s);
- 7.4 Limiting height and density where new construction is not subordinate or compatible with the heritage resource(s);
- 7.5 Allowing only compatible infill and additions;
- 7.6 Reversible alterations;
- 7.7 All alternative options shall be explored and discussed, before the relocation or demolition of a heritage resource is considered as an appropriate option;
- 7.8 Alternatives and strategies shall consider all applicable municipal requirements affecting the subject property (i.e. Building Code, plan policies, zoning, engineering, etc.); and
- 7.9 Where a property cannot be conserved, a full analysis will be provided to explain the reasons for this conclusion and the salvaging potential of the property will be discussed including options for documentation of existing heritage resources and their symbolic commemoration as part of a new development.

8. Conservation Strategy

The Statement shall include a conservation strategy for the best option selected for the proposed development and describe how the mitigative measures will be implemented. In the case of a demolition application, the strategy will make recommendations for additional studies, documentation and salvage to be completed prior to the demolition of the heritage resource. A conservation strategy to protect and enhance heritage value and character defining elements of the heritage resource(s) shall include, at a minimum:

- 8.1 A methodology for mitigation of negative impacts;
- 8.2 A scope of work and methodology for the conservation project;
- 8.3 An implementation and monitoring plan for the mitigation and conservation;
- 8.4 References to any appropriate precedents and to all relevant conservation standards; and
- 8.5 Recommendations for additional studies related to restoration, interpretation and commemoration strategies, lighting, signage, landscaping, structural analysis, long-term heritage conservation plan, and additional written and photographic documentation prior to any proposed alteration or demolition of a heritage resource.

9. Appendices

The following items shall be submitted as appendices, and not embedded in the Statement:

- 9.1 A bibliography, listing source materials, including persons and institutions consulted;
- 9.2 Information and a Curriculum Vitae for the author demonstrating experience in the conservation of heritage properties which includes current professional heritage membership credentials and an explanation of expertise in a relevant field of professional practice.
- 9.3 Detailed elevation drawings, to scale, or photographs of the existing heritage resources identifying all existing materials;
- 9.4 Detailed landscape plan, to scale, identifying all heritage resources and landscape features;
- 9.5 Detailed landscape plan, to scale, identifying the proposed development and/or site alteration and its integration with all heritage resources and landscape features;
- 9.6 Detailed elevation drawings of the proposed development, its surrounding context, its integration with all heritage resources and identifying all existing and proposed materials;
- 9.7 Digital illustrations of the proposed development and/or site alteration, including surrounding context, from the perspective of a person standing in the adjacent right-of-way to illustrate the new construction and its orientation and integration with the heritage resources and adjacent properties from the perspective of a person at ground level.
- 9.8 In the case of a proposed demolition, a structural engineering assessment to confirm if conservation, rehabilitation and/or restoration are feasible options. Assessments must be conducted by qualified professionals with heritage property experience.

All submitted plans and drawings must be prepared by an appropriate qualified professional and must be scalable and clearly labelled.

Schedule “B-1”
CONSERVATION STANDARDS
The Standards for the Conservation of Historic Places in Canada

The following Conservation Standards are contained within Chapter 3 of the *Standards & Guidelines for the Conservation of Historic Places in Canada, 2nd Edition* as published by Parks Canada in 2010 and are structured around the following key concepts and definitions:

- ***Historic Place*** means a structure, building, group of buildings, district, landscape, archaeological site or other place that has been formally recognized for its *heritage value*.
- ***Heritage Value*** means aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present and future generations. The heritage value of an historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.
- ***Character-defining Elements*** means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of an historic place, which must be retained to preserve its heritage value.
- ***Conservation*** means all actions or processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life. This may involve *Preservation, Rehabilitation, Restoration*, or a combination of these actions or processes.
- ***Preservation*** is defined as the action or process of protecting, maintaining and/or stabilizing the existing materials, form, and integrity of a historic place or of an individual component, while protecting its heritage value.
- ***Rehabilitation*** is defined as the action or process of making possible a continuing or compatible use of a historic place or an individual component through repair, alterations, and/or additions, while protecting its heritage value.
- ***Restoration*** is defined as the action or process of accurately revealing, recovering or representing the state of a historic place or of an individual component, as it appeared at a particular period in its history, while protecting its heritage value.

3

THE STANDARDS FOR THE
CONSERVATION OF
HISTORIC PLACES
IN CANADA

The Standards for the Conservation of Historic Places in Canada promote responsible *conservation* practices to help protect Canada's historic places. They provide a philosophical approach to conservation work. While neither technical nor case-specific, they offer a framework for making essential decisions about which *character-defining elements* of an *historic place* should be preserved and which ones can be altered while protecting *heritage value*.

These Standards are, in fact, principles that express the collective wisdom that has accumulated in heritage conservation practice. They are rooted in practical and theoretical arguments that evolved as the field of conservation developed over the years. Working from these basic principles gives consistency and an ethical foundation to the decisions that must be made when conserving an historic place. The Standards are to be broadly applied throughout the conservation process and read as a whole, because they are interconnected and mutually reinforcing.

Conservation is a case-by-case pursuit, based on an understanding of the specific values of an historic place. While the applicability of each standard is unique to each case or *intervention*, nevertheless, there is a consistency in applying the standards to different types of places. Chapter 4, which forms the bulk of this document, provides detailed guidelines for four categories of historic places and materials.

Because the standards are basic principles to be applied using a reasoned process unique to each historic place, it is important to fully understand their meaning. This chapter explains the meaning of each standard and gives examples for their application. Because many of the standards describe multiple principles, it is important to consider every sentence in a standard. The individual principles associated with each standard are separated into part (a), (b), etc. The explanations that follow further define each separate principle.

The first nine standards relate to *Preservation*, which is at the core of all conservation projects. As such, these general standards must be applied to all conservation projects regardless of treatment type. Three additional standards are specific to *Rehabilitation* projects—Standards 10, 11 and 12—and two additional standards are provided for *Restoration*—Standards 13 and 14.

REPAIRING OR REPLACING?

Standards 8, 10 and 13 are related standards; each one describes the importance of repairing before replacing for each of the three treatment types based on the condition of the character-defining elements and the type of evidence available.

- Standard 8, in the context of *Preservation*, where the condition allows more for repair than replacement, assumes that material evidence is available to use as a basis when part of a character-defining element needs to be replaced;
- Standard 10, in the context of *Rehabilitation*, permits compatible, distinguishable new elements to be inserted when replacing elements too deteriorated to repair;
- Standard 13, in the context of *Restoration*, requires that replacement elements be based on evidence from the restoration period.

THE STANDARDS

The Standards are not presented in a hierarchical order. All standards for any given type of treatment must be considered, and applied where appropriate, to any conservation project.

General Standards for Preservation, Rehabilitation and Restoration

1. Conserve the *heritage value* of an *historic place*. Do not remove, replace or substantially alter its intact or repairable *character-defining elements*. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to an *historic place* that, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an *historic place* that requires minimal or no change to its *character-defining elements*.
6. Protect and, if necessary, stabilize an *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.
8. Maintain *character-defining elements* on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving *prototypes*.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.

Additional Standards Relating to Rehabilitation

- 10.** Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.
- 11.** Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
- 12.** Create any new additions or related new construction so that the essential form and integrity of an *historic place* will not be impaired if the new work is removed in the future.

Additional Standards Relating to Restoration

- 13.** Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
- 14.** Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

Attachment D – Showing Proposed Changes

STANDARD 1



The character-defining interior features and finishes, such as the birch floors, window frames and views of the city at Habitat 67 in Montreal, have been carefully maintained, repaired and retained.

(a) Conserve the *heritage value* of an *historic place*. (b) Do not remove, replace or substantially alter its intact or repairable *character-defining elements*. (c) Do not move a part of an historic place if its current location is a character-defining element.

Part (a) states that the overarching objective of heritage conservation is to conserve heritage value. If an historic place has been formally recognized, the designating authority will likely have prepared a document outlining the place's values, such as a Statement of Significance. These values are embodied in character-defining elements.

Part (b) outlines how to conserve heritage value by minimizing changes to character-defining elements. Identifying character-defining elements helps guide where necessary interventions should and should not take place.

Part (c) addresses the wholeness of a place and reinforces that spatial relationships can be character-defining. In a garden, for example, moving a central feature to another location affects the heritage value of the entire landscape. In an archaeological site, location may be critical to understanding other elements that are now missing. In an engineering work, machinery moved from its original position can lose part of its meaning, thus diminishing its heritage value.



Centuries ago, the inland Inuit, or Kivallirmiut, recognized the hunting potential of the annual fall crossing of massive herds of caribou and began establishing seasonal camps along the Kazan River. Today Fall Caribou Crossing NHSC in Nunavut, is noted not only for its archaeological remains and former importance to the Kivallirmiut, but also for its natural landscape, continued use as a hunting area and the vitality of the oral history and traditions of the people who know it best. Moving any of these stones would impair heritage value.

STANDARD 2

Conserve changes to an historic place that, over time, have become character-defining elements in their own right.

It is natural and necessary for places to evolve, reflecting changes in the community and culture of that they are a part. Places may be modified for reasons of taste, for the changing nature of their use, or to adapt to evolving conditions and technologies. Changes that mark significant changes, or that are considered expressions of their time, may be deemed to have a value in their own right.

Factories and other industrial works are constantly adapted. Retaining these adaptations may be important in telling the story of changing technology or the growth of a particular industry. Commercial and residential interiors were often changed with new ownership or passing trends. For example, a 1950s cafeteria in a 1910 office building may have its own distinct value as part of the evolution of that historic place.

A fine old storefront that has been modernized may have lost its heritage value. However, some changes may have acquired value, such as an art-deco stainless steel over-cladding or a marquee added to a popular urban theatre. Not every change to an historic place has heritage value, but those that do should be identified in a Statement of Significance. For historic places that were formally recognized some time ago, the process of determining if there is heritage value associated with later changes is an important step in the conservation process.



The lean-to is a character-defining element that shows the evolution of the Addison Sod House in Saskatchewan from a rustic sod dwelling to a comfortable home. Removing the later changes to restore the house to an earlier period would not be appropriate because it would remove elements that have heritage value.



Over the years, several landscape architects and architects have made specific contributions to the evolving functions of Vancouver's Stanley Park. These include the play areas, totem groupings and aquarium that are now integral to the park's heritage value.

STANDARD 3

Conserve heritage value by adopting an approach calling for *minimal intervention*.



When the windows of Lefurgey House in Summerside, PEI were damaged in a fire, instead of replacing the entire windows, only the broken glass was replaced. The replacement glass, salvaged from a nearby house that was replacing its windows, had similar properties and wavy appearance.

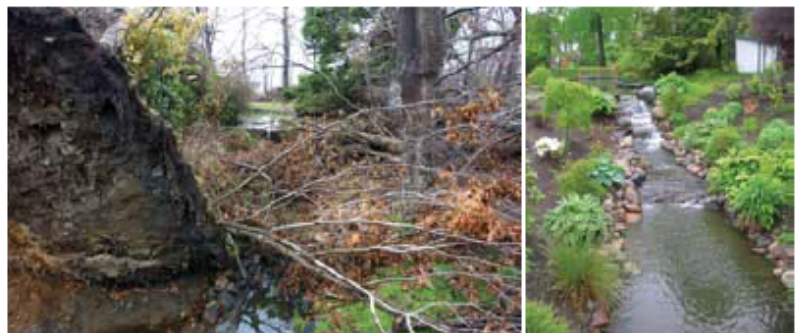
Minimal intervention in the context of heritage conservation means doing enough, but only enough to meet realistic objectives while protecting heritage values.

Minimal does not mean, doing little or nothing, or the least possible. In fact, enough intervention to arrest and correct deterioration, meet codes, or introduce new services, can be quite extensive. Determining minimal intervention is a matter of rigorous assessment, options analysis and creativity to identify the intervention that balances technical and programmatic requirements with protecting heritage value.

The application of Standard 3 varies depending on the nature of the character-defining element. In a landscape where value resides in living things that mature and die, substantial replanting may be necessary. In the case of an historic bridge that is unable to support current traffic loads, minimal intervention might well mean significant interventions to assure public safety.

For archaeological sites, minimal intervention calls for striking a balance between gaining knowledge from investigations and preserving the resources *in situ*. A certain level of intervention is often necessary to sufficiently understand the heritage value of the archaeological site and to determine the best preservation approach. This can be achieved by selecting the most appropriate and effective research methodology for a specific project such as targeting only necessary excavations and using non-intrusive means of investigation, when appropriate.

Minimal intervention has different meanings for *Preservation*, *Rehabilitation* and *Restoration*. In the context of *Preservation*, it means undertaking sufficient maintenance or repairs to ensure the longevity of the place while protecting heritage value. In the context of *Rehabilitation*, it might mean limiting the proposed new use, addition or changes. In a *Restoration*, minimal intervention is a delicate balance between removals and recreations to represent the historic place's condition at a specific time in its history.



The extensive damage caused by Hurricane Juan to the Halifax Public Gardens required substantial replanting. The large scope of work is still considered a minimal intervention because any less work would have negatively affected the heritage value of the place.

STANDARD 4

(a) Recognize each *historic place* as a physical record of its time, place and use. (b) Do not create a false sense of historical development by adding elements from other historic places or other properties or by combining features of the same property that never coexisted.

Part (a) of this standard requires us to respect the historic place and to conserve, as best we can, the physical evidence that conveys the significance of the historic place, including its contribution to a specific context and to the social history associated with its uses.

Part (b) discourages the creation of additions that falsify the story of a place. There is always a high risk of loss of authenticity when adding elements from other places or eras.

The materials removed from historic places are often salvaged and reused. Careful consideration must be given to how and where this is done. For example, using a salvaged lamppost from an historic landscape with identifiable characteristics at another site does not conform to the standard. On the other hand, using recycled bricks of the same age and appearance, or reusing identical windows within a building are appropriate from both conservation and *sustainability* standpoints. Where it is deemed critical to the honesty of the work, such additions can be rendered distinguishable in a discreet way.



The Old Strathcona Provincial Historic Area in Edmonton is a diverse historic district. The individuality of each building and evidence of the era of its construction has been maintained. Earlier simply constructed wood buildings stand alongside later more sophisticated masonry buildings and modern infill structures.



The original plans for the Margaret Marin Residence in Edmonton indicate a decorative upper balcony that was never built. During recent renovations, it was decided not to construct this balcony because it would have conveyed a false sense of historical development.

STANDARD 5



Despite changing requirements in education, the Lunenburg Academy in Nova Scotia remains in its original building and setting. The Academy was designed using green space, natural lighting and ventilation in a way that is still valid for school use today.

Find a use for an *historic place* that requires minimal or no change to its *character-defining elements*.

Standard 5 advocates maintaining the use of the place or finding a new viable use that has little impact on its character-defining elements. It is important to find the right function for an historic place to ensure a long-term, stable context for conserving heritage value.

If the current use is a character-defining element, maintaining this use is in accordance with the standard, as long as growth or technological change does not become destructive to its character-defining elements. If maintaining the original use leads to the removal or significant alteration of character-defining elements, the owners and users may need to consider a compatible new use for the historic place.

Finding a new use depends on an analysis of heritage value and physical compatibility with the historic place and its likeliness to provide a lasting, new life for the historic place. Using an old jail as a youth hostel may initially seem like an unusual concept, but it illustrates resourceful, clear-sighted functional analysis as the generator of good reuse: both jails and hostels provide a lot of small rooms for sleeping.

Old buildings are often considered as venues for museums or galleries, but if strict interior environmental conditions are required for that function, complex and potentially destructive interventions may be needed. New uses that require substantial alteration of character-defining elements do not conform to the standard.

In the case of archaeological sites, the intention is seldom to use the archaeological site itself but rather the space that contains it. It is therefore important that a new use requires minimal intervention and does not alter the character-defining elements that are often submerged or buried underground.



After serving the community for many years as a primary school, the Charlotte Street School in Fredericton now has a new community use as the Charlotte Street Arts Centre. This use required little change to the building's layout and character. Classrooms were maintained to serve as open art studios, dance and music studios and an art gallery. The existing wide corridors and staircases, as well as the classrooms and other spaces, fit the new needs well.



This Dawson City building, originally built to be the temporary location for the government telegraph office, was rehabilitated into housing units.

STANDARD 6

(a) Protect and, if necessary, stabilize an *historic place* until any subsequent *intervention* is undertaken. (b) Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.

While Standard 5 reinforces the need for an appropriate and sustainable use, part a) of Standard 6 recognizes that there may be a period of vacancy in the life of any historic place, such as a period of inaction at a former industrial site or farm.

Mothballing, the temporary closure of an historic place with measures to protect it from vandalism and weather, is a process that requires planning and continual monitoring. For a landscape, mothballing might include taking measures to diminish the risk of insect infestation or plant disease. Archaeological sites can be particularly vulnerable because the resources are often not visible.

Part b) acknowledges a responsibility to protect archaeological resources, but also reinforces the message that they must be protected and preserved *in situ*. This is a highly regulated aspect of conservation: one must identify and engage the authority having jurisdiction. The information required to best preserve and protect the site is gained from a variety of archaeological interventions. A strategy to recover the information using the most appropriate and effective methods needs to be developed in an effort to strike a balance between gaining knowledge from investigations and preserving the resources *in situ*.



Nearby archaeological resources were protected when stabilizing the Prince of Wales Fort in Manitoba. Strategically placed archaeological investigations on the surface of the ramparts established the extent of artifacts, including their depth below the surface.



These buildings, along with others at St. Luke's Anglican Rectory and Church in the Yukon, were temporarily stabilized using a variety of measures including adding sandwich bracing, cable bracing, heavy frames, roll roofing, and covering door and window openings in order to keep out snow and rain. Stabilization allows the structures to be adequately researched and their eventual restoration to be planned.

STANDARD 7



Ground-penetrating radar was used at McPherson House in Fort Simpson, NT; this guided archaeological excavations limiting the impact on the site.

(a) Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. (b) Use the *gentlest means* possible for any intervention. Respect *heritage value* when undertaking an intervention.

Part (a) of Standard 7 refers to a comprehensive examination and assessment of the physical place. Determining if an intervention is needed, and what an appropriate intervention might be, requires an understanding of the physical condition and behaviour of the character-defining elements and the historic place as a whole. The cause and extent of any decay should be based on evidence from a site investigation.

If the condition evaluation reveals a weakness that threatens the historic place's long-term survival, the standard requires assessments and options analysis to determine the appropriate course of action. This standard, in combination with Standard 3, usually leads to intervening only where the existing condition is actively causing further deterioration or weakening the asset.

Part (b) addresses the course of action once it is clear that an intervention is needed. The gentlest means to achieve a reasonable level of conservation should be selected. This includes the technique or methodology itself and the extent of the intervention being considered.

Investigations themselves are forms of intervention and as such should follow a minimal intervention approach. Investigations should begin with observation and non-invasive probes followed by careful sampling and physical openings or selective disassembly if required. The objective is to obtain enough evidence without unnecessarily disturbing the historic place.



A condition assessment and evaluation undertaken before an intervention at Belvedere Cemetery in St. John's Ecclesiastical District, would reveal that the well-aged and weathered patina found on the grave markers is not damaging. It is in fact a character-defining element of this historic place and should be preserved.

STANDARD 8

(a) Maintain character-defining elements on an ongoing basis. (b) Repair character-defining elements by reinforcing their materials using recognized conservation methods. (c) Replace *in kind* any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.

This standard introduces the basic hierarchy of interventions. Maintain first, then repair rather than replace the deteriorated parts of character-defining elements. If the replacement of a part is the only option, it should be done *in kind*. This approach is closely tied to *minimal intervention* (Standard 3).

Part (a) of this standard promotes the ongoing maintenance of an historic place, an essential but often undervalued aspect of conservation. Rigorous maintenance reduces long-term costs as well as the frequency of major interventions.

Part (b) emphasizes the use of recognized conservation methods when carrying out repairs. Past experiences in conservation offer many cases where the application of unproven new materials or techniques resulted in more damage than good. Techniques and materials must have proven track records and be based on research, analysis and review.

Part (c) introduces the concept of replacement *in kind*. *In kind* is defined as: with the same form, material and detailing as seen in the existing elements. If the character-defining element is a wood shingle, the standard states that it must be replaced with a wood shingle, and not an asphalt shingle.

Replacement *in kind* may sometimes be difficult, and substitute materials may be necessary when the original materials are damaging to character-defining elements or hazardous to public health. Some mid-20th century materials are no longer made or cannot be manufactured in small batches. In a place where the heritage value depends on a material that is no longer available, the ongoing loss of the material will eventually lead to a difficult choice: accepting breakage or replacing the entire material or assembly with one that is physically and visually compatible with the original.



When restoring decorative plaster in the Walker Theatre in Winnipeg, moulds were made of existing plaster elements. The deteriorated plaster was then patched and repaired using the moulds to match the original.



A condition assessment of the exterior walls and frame of this Storehouse at Fort Langley, BC found extensive deterioration of some timbers, which required replacement in kind. The dimensions, hewn finish and species of wood used in the repairs matched those replaced. The photograph shows part of one storehouse wall after the repairs were completed, but before the new timbers were whitewashed.



Wrecks at Red Bay NHSC, NL, such as this Basque Period wreck, are reburied using sand and tarp to ensure their long-term preservation. Their condition is periodically assessed through monitoring.

STANDARD 9



The new pieces of stone on the Wellington Wall at the Parliament Grounds in Ottawa are clearly visible on close inspection due to a different tooling technique.

(a) Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. (b) Document any intervention for future reference.

Part (a) of this standard speaks to balancing the need for an *intervention* to be appropriate in physical and visual terms and subtly distinguishable. Compatibility can allow for some variation in the finish or patina, which will serve as the distinguishing factor. Generally, repair and replacement work only needs to be identifiable on close inspection. However, honesty requires that new work be clearly distinguishable from the old by subtle visual means or by date stamping in inconspicuous locations.

Part (b) emphasizes the requirement for documentation to help future decision makers better understand the historic place. It is important to keep good records of all conservation work, including *maintenance*, and to plan for easy retrieval of that data in the future.

While the main reason for making interventions identifiable is honesty, it is also a means of keeping a record of the place. The historic place itself is its own best document.



The grand residential estate at Parkwood in Oshawa is a cultural landscape that covers 4.8 hectares. Aerial photography was used to document the large-scale site during the conservation process.

STANDARD 10

- (a) Repair rather than replace *character-defining elements*.
(b) Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. (c) Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.

This standard advocates restraint during a *Rehabilitation* project, recognizing that the wholesale replacement of elements will inevitably have an impact on heritage value. *Rehabilitation* is meant to preserve and not diminish the heritage value of a place; a new use or a substantial reinvestment does not justify extensive replacement.

Part (a) discourages replacing elements that can be repaired. In a rehabilitation project, more latitude is available in choosing the techniques and methods of repair. Modifying a technically problematic detail may be required to ensure long-term performance. In archaeological sites, elements are rarely repaired or replaced. However, in some cases, this may be the most appropriate way to slow deterioration and prevent the loss of heritage value.

Part (b) encourages replacing elements with in-kind versions, when the original is too deteriorated to repair, but enough evidence is available to accurately reproduce the element in kind.

Part (c) addresses the case of historic places in a more advanced state of disrepair, or where significant elements or assemblies are missing. A rehabilitation project must conserve the heritage value of the place despite the insertion of a new element. Compatibility with the historic place is achievable through a range of approaches. The new element could be discreet and compatible in form, material and detailing, or contemporary in design, achieving compatibility through proportion, scale or massing.

Addressing significant deterioration is an implicit goal of this standard. If deterioration is not properly addressed, it can result in a loss of heritage value.



In areas of Maplelawn and Gardens NHSC in Ottawa where insufficient historical evidence existed, a Rehabilitation approach was taken. New perennial beds were designed using adjacent layouts and historical information from other parts of the garden as inspiration. This approach resulted in compatible new beds that completed the garden and strengthened its overall heritage value.



The character-defining elements of Doukhobor Dugout House NHSC in Saskatchewan, such as the window frames, had suffered visible deterioration from exposure to the elements. A long-term repair solution was necessary to prevent further decay and to preserve the site's heritage value.

Following the reinforcement treatment of treating the logs with preservatives, collapsed character-defining elements were reassembled based on records from previous interventions and existing traces on the site.

STANDARD 11

(a) Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. (b) Make the new work physically and visually compatible with, subordinate to, and distinguishable from the historic place.

In a rehabilitation project, additions or new construction may be needed to assure the continued use of an historic place. Part (a) indicates that when this is the case, such additions or new construction must not obscure, radically change or have a negative impact on character-defining materials, forms, uses or spatial configurations.

Part (b) requires physical compatibility with the historic place. This includes using materials, assemblies and construction methods that are well suited to the existing materials. New materials and assemblies should also have compatible service lives or durability, so that *maintenance* and repair work can be undertaken concurrently. Not doing so can lead to prematurely replacing adjacent historic materials for the sake of efficiency.

Part (b) also requires that additions or new construction be *visually* compatible with, yet distinguishable from, the historic place. To accomplish this, an appropriate balance must be struck between mere imitation of the existing form and pointed contrast, thus complementing the historic place in a manner that respects its heritage value.

Part (b) also requires an addition to be subordinate to the historic place. This is best understood to mean that the addition must not detract from the historic place or impair its heritage value. Subordination is not a question of size; a small, ill-conceived addition could adversely affect an historic place more than a large, well-designed addition.



These two additions in Montreal show the range of possibilities for successful additions to historic places. Although the addition to Shaughnessy House by the Canadian Centre for Architecture has a larger footprint than the original building, it demonstrates a subtle approach, using compatible scale, proportions of openings, materials and details, which acknowledges the original building. Pointe-à-Callière Museum of Archaeology and History illustrates a contrasting contemporary approach where an archaeological site has been successfully integrated into a new design in ways that communicate the site's heritage value.

STANDARD 12

Create any new additions or related new construction so that the essential form and integrity of an *historic place* will not be impaired if the new work is removed in the future.

Reversible interventions are those that can be removed at a later date without damaging the character-defining elements of the historic place. This is particularly important if the intervention is related to a new use that may later change. For example, a temporary access ramp could be constructed in a manner that allows for easy dismantling without damaging an adjacent character-defining foundation wall or front garden. Reversible interventions are not destructive. A proposal to tear down a wall and store the stone so that it might someday be rebuilt is not a reversible intervention.

A sound addition can enhance the value of an historic place. An addition, in itself, can be intended to last, and should be designed to be physically compatible. Although a certain amount of irreversible change may be unavoidable, strategies to reduce the size and impact of the addition should be explored. This can be achieved, for example, by using existing window openings to insert a connecting door, or attaching an addition to an elevation that is not character defining.

Interventions to accommodate rapidly evolving technologies or short-lived objectives must be designed with particular attention to reversibility. If the new element is equipment that requires regular replacement, it is important to anticipate a large enough access for future upgrades.



The dome of Melville City Hall was originally an uninsulated, painted-metal covering that caused persistent condensation problems. Applying insulating polyurethane foam with aluminized coating was a cost-effective solution that was compatible with the historic metallic look of the dome. If a more elaborate solution is contemplated in the future, the polyurethane could be removed.



Space to temporarily house the Library of Parliament in the former Bank of Nova Scotia Building on Sparks Street in Ottawa. The entire intervention was designed to be reversible.

STANDARD 13



These cast iron columns were uncovered and restored when CentreBeam Place, in St. John, was rehabilitated.

(a) Repair rather than replace *character-defining elements* from the *restoration* period. (b) Where *character-defining elements* are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.

Part (a) of Standard 13 emphasizes repairing deteriorated elements from the restoration period. The act of repairing a character-defining element supports the goal of authenticity.

Part (b) recognizes that elements may deteriorate beyond repair, but their deteriorated state, or the state of adjacent surviving elements, may still contain sufficient physical evidence to allow their accurate replacement. Replacing individual components is an ongoing activity where the loss of small parts, such as decorative finials on a fence post, is common. The value does not reside in a single one of these elements, but their continual loss can eventually compromise the heritage value of the whole.

A preservation or rehabilitation project may also include elements of restoration, such as work on an ornamental fountain in the centre of a formal garden. Any restoration interventions must be based on clear physical, documentary or oral evidence and detailed knowledge of the earlier forms and materials.



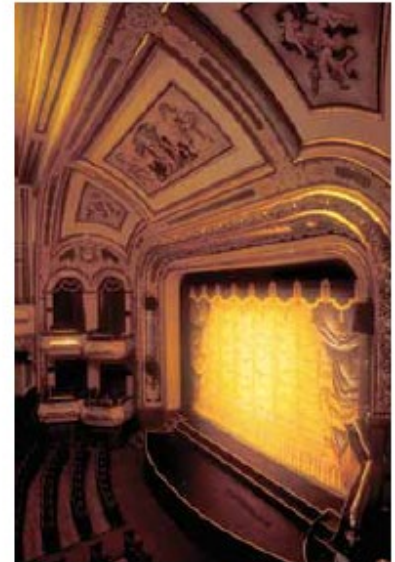
The rhythmic pattern created by the regular spacing of trees along the street is a character-defining element of the Avenue of Trees in Surrey, BC that can be used as evidence to restore the row if a gap develops.

STANDARD 14

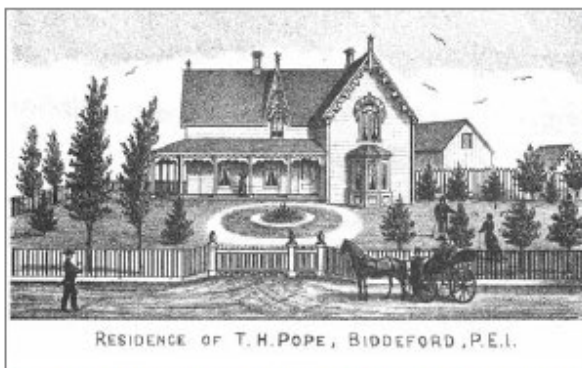
Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

This standard applies mainly to projects where *Restoration* is the primary treatment type and where the absence of character-defining elements from the restoration period has a negative impact on the heritage value of the historic place. Recreating large missing assemblies is challenging because of the extraordinary amount of evidence required to avoid conjecture. Where resources are limited, the urge to restore should be balanced with the practicality of replacing and later maintaining long-missing features.

The reconstruction of an entire historic place is not considered conservation and is not addressed in this document. However, the recreation of a missing built feature in a landscape or heritage district is best regarded as an addition to an historic place, and would be subject to Standards 11 and 12.



In the restoration of the Capitol Theatre in Moncton, photographic and physical evidence supported restoring the interior decorative frescoes in their original colours. Other elements, such as the marquee, were reproduced from documentary photos using new elements to match the forms, materials and detailing.



Based on documentary evidence, including an 1880 engraving, the original fenestration of the Bideford Parsonage Museum in P.E.I. was restored and roof finials replaced.

BY-LAW H-200

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