



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

HERITAGE PLACES PROTECTION ACT REGULATIONS

PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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

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HERITAGE PLACES PROTECTION ACT

Chapter H-3.1

REGULATIONS

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

1. Definitions

In these regulations

- (a) “**Board**” means the Heritage Places Advisory Board, established by section 3 of the Act;
- (b) “**Commission**” means the Island Regulatory and Appeals Commission created pursuant to the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11;
- (c) “**Notice**” with respect to any Form issued pursuant to these regulations includes an amended Notice where the context requires;
- (d) “**owner**” includes a person with a legal interest in a heritage place;
- (e) “**register**” or “**register of heritage places**” means a record of building, structure or land recognized for their heritage value and to which the criteria have been applied. (EC414/00)

2. Term of appointment to Board

- (1) Appointments to the Board shall be for a period of three years, with all members eligible for reappointment.

Chair

- (2) The Chair of the Board shall be appointed by the Minister.

Initial appointments

- (3) Notwithstanding subsection (1), for the initial appointment of the Board, the term of office
 - (a) for three of the members shall be three years; and
 - (b) for the other two members shall be two years.

Quorum

- (4) A quorum of the Board shall be 3 members. (EC414/00)

3. Criteria

For the purposes of subsection 4(2) of the Act, the following criteria shall be applied, evaluated, researched and validated as considered appropriate by the Minister, for entry of a building, structure or land in the register of heritage places:

- (a) age;
- (b) style or historical period;
- (c) design;
- (d) architect or builder;
- (e) streetscape;
- (f) integrity;
- (g) construction methods;
- (h) exterior condition;
- (i) landmark;
- (j) historical or site context;
- (k) event, person or activity connected with the site; and
- (l) its context as an institution. (EC414/00)

4. Notice of Intention to Designate Heritage Place

- (1) The Minister may initiate the procedure for the designation of a registered heritage place as a designated site, structure or area pursuant to section 5 of the Act, by
 - (a) publishing a Notice of Intention to Designate Heritage Place in the Gazette and in a newspaper having general circulation in the area;
 - (b) serving the Notice on the owner;
 - (c) serving the Notice on the municipality affected; and
 - (d) filing the Notice in the appropriate Registry of Deeds office.

Contents of Notice

- (2) The Notice of Intention to Designate Heritage Place shall contain
 - (a) a legal description of the site and the municipal address;
 - (b) a summary of the consequences of designation;
 - (c) information respecting the immediate consequences of the Notice;
 - (d) a date and time by which the owner, the municipality or interested or affected parties may comment on or object to the proposed designation; and
 - (e) such other particulars as the Minister deems necessary or relevant.

Amendment of Notice of Intention

- (3) The Minister may amend a Notice of Intention to Designate Heritage Place, which shall be served and published in accordance with this section. (EC414/00)

5. No changes for 120 days

Where a Notice of Intention to Designate Heritage Place has been issued pursuant to section 4, no person shall move, alter the facade or exterior appearance of or demolish the building, structure, site or area for a period of 120 days from the date of service of the Notice, unless the Notice is revoked or cancelled under these regulations. (EC414/00)



6. Notice of Objection

An owner, a municipality, a person served, or any person, group or organization interested in, or likely to be affected by a proposed designation, may object to the proposed designation, by filing a Notice of Objection, in the prescribed Form, with the Minister within 30 days of the date of the publication of the Notice of Intention to Designate Heritage Place in the Gazette. (EC414/00)

7. No Notice of Objection served

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

Notice published, served, filed

- (2) The Minister shall
- (a) publish a Notice of Heritage Place Designation, in the prescribed Form, in the Gazette;
 - (b) serve the Notice on the owner;
 - (c) serve the Notice on the municipality affected; and
 - (d) file the Notice in the appropriate Registry of Deeds office. (EC414/00)

8. Consideration of objections

- (1) The Minister shall consider any Notices of Objection filed, and the Minister may, not later than 90 days from publication of the Notice pursuant to section 6,
- (a) designate the site as described in the Notice of Intention to Designate Heritage Place; or
 - (b) cancel the Notice of Intention to Designate Heritage Place.

Notice issued

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

Notice of Cancellation

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

Cancellation

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

Service of Notice

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

9. Temporary designation

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

Notice of Temporary Designation

- (2) The Minister shall
- (a) publish a Notice of Temporary Heritage Place Designation, in the prescribed form, in the Gazette;
 - (b) serve the Notice on the owner;
 - (c) serve the Notice on the municipality affected; and
 - (d) file the Notice in the appropriate Registry of Deeds office.

Contents of Notice

- (3) The Notice of Temporary Heritage Place Designation shall contain
- (a) a legal description of the site and the municipal address;
 - (b) a summary of the penalties for contravention of a temporary designation;
 - (c) the prohibition stated in subsection (4);
 - (d) a date and time by which the owner or the municipality may comment, in writing, on the Notice of Temporary Heritage Place Designation; and
 - (e) such other particulars as the Minister deems necessary or relevant.

Prohibition

- (4) Where a temporary designation has been ordered by the Minister pursuant to subsection (1), no person shall move, alter the facade or exterior appearance of or demolish the building, structure, site or area for a period of 45 days from the date of service of the Notice under this section.

Cancellation of temporary designation

- (5) The Minister may issue a Notice of Cancellation of Temporary Heritage Place Designation, which shall be published, served and filed in the manner set out in subsection (2). (EC414/00)

10. Appeal from designation

- (1) The owner of the property containing the heritage place, or the municipality in which it is located, may appeal a designation, by written notice to the Commission, within 30 days of the receipt of service of the Notice of Designation of Heritage Place.

Service of notice of appeal

- (2) A Notice of Appeal under this section, shall be in the form prescribed by the Commission and shall be served on
- (a) the Commission;
 - (b) the Minister; and
 - (c) the owner or the municipality, whichever is not the appellant.

Notice of appeal hearing

- (3) The Commission shall give written notice to the owner, the municipality, the Minister and other interested parties of the date, time and place of an appeal hearing. (EC414/00)



11. Powers of Commission

After an appeal hearing, the Commission may confirm the designation, vary the scope of the designation or it may revoke the designation. (EC414/00)

12. Amended Notice of Designation

Where the Commission has varied a designation pursuant to section 11, the Minister shall issue an Amended Notice of Heritage Place Designation, and the Minister shall within 15 days of the variation

- (a) publish the Amended Notice of Heritage Place Designation in the Gazette;
- (b) serve the Notice on the owner;
- (c) serve the Notice on the municipality affected; and
- (d) file the Notice in the appropriate Registry of Deeds office. (EC414/00)

13. Revocation by Minister

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

Notice published, served, filed

- (2) Where the Commission or the Minister has revoked a designation, the Minister shall
 - (a) publish a Notice of Revocation of Heritage Place Designation, in the prescribed form, in the Gazette;
 - (b) serve the Notice on the owner;
 - (c) serve the Notice on the municipality affected; and
 - (d) file the Notice in the appropriate Registry of Deeds office.

Does not affect investigation, charges

- (3) Nothing in this section affects an investigation or charges brought against any person for an offence under this Act.

May be re-designated

- (4) A site may be designated again in accordance with the procedure set out in these regulations. (EC414/00)

14. One year hiatus

Where a Notice of Intention to Designate Heritage Place is cancelled pursuant to section 8 or a designation revoked pursuant to section 11 or 13, another Notice of Intention respecting the same site or substantially the same site shall not be issued within one year of the cancelled or revoked Notice or designation. (EC414/00)

15. Application for Heritage Permit

- (1) Any person, proposing an alteration, development or demolition of a designated heritage place, shall apply to the Minister for a Heritage Permit, in the prescribed form.

Heritage Permit

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

Refuse, amend, suspend, cancel Heritage Permit

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

Conditions

- (4) The Minister may place conditions on a Heritage Permit as follows:
- (a) specifying that work, development, alteration or demolition of the heritage place shall be done in the form in which it is proposed or with such variations as the Minister may consider necessary;
 - (b) specifying the siting, dimensions, form, exterior design, finish and other particulars of the construction or renovation;
 - (c) requiring the payment of a fee for the Permit;
 - (d) requiring security or the posting of a bond for the purpose of mitigating any damages to and subsequent restoration or maintenance of the heritage place; and
 - (e) such other conditions as the Minister may consider necessary. *(EC414/00)*

16. Municipal Board

- (1) A municipality seeking to be declared a Municipal Board under this section shall provide to the Minister
- (a) a copy of current municipal bylaws respecting heritage, and amendments within 10 days of their passage;
 - (b) copies of current municipal policies and programs respecting heritage; and
 - (c) information respecting sites that it has designated as heritage places and such other information as may be requested by the Minister.

Idem

- (2) The Minister may with the consent of the municipality, delegate powers to the municipality by declaring that certain named sections of the Act and regulations apply to the municipality as a Municipal Board.

Forms

- (3) The Minister may place conditions on the declaration issued under this section.

Annual report

- (4) A Municipal Board shall make an annual report of its activities to the Minister, on or before January 31.

Revocation of Municipal Board

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

17. Forms

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



Municipal Board forms

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

18. Service by registered mail

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



SCHEDULE A

1. The prescribed forms for the Act and these regulations are:
 - Form 1 - Notice of Intention to Designate Heritage Place;
 - Form 2 - Notice of Objection to Heritage Place Designation;
 - Form 3 - Notice of Heritage Place Designation;
 - Form 4 - Amended Notice of Intention to Designate Heritage Place;
 - Form 5 - Notice of Cancellation of Notice of Intention to Designate Heritage Place;
 - Form 6 - Notice of Temporary Heritage Place Designation;
 - Form 7 - Notice of Cancellation of Temporary Heritage Place Designation;
 - Form 8 - Notice of Revocation of Heritage Place Designation;
 - Form 9 - Application for Heritage Permit;
 - Form 10 - Heritage Impact Statement;
 - Form 11 - Heritage Permit.
2. The Form for a Notice of Appeal may be obtained from the Island Regulatory and Appeals Commission at (902) 892-3501.

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

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

.....
(name or street name and number)

.....
(municipality)

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

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

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

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

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

Division of Culture, Heritage, Recreation and Sport
Department of Community and Cultural Affairs
P.O. Box 2000, Charlottetown, PEI C1A 7N8.

A Notice of Objection form may be obtained from that office.

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

DATED at Charlottetown, this day of

.....
Minister of Community and Cultural Affairs



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

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

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

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

OBJECTOR:
Name
Address
.....
Telephone Fax

Status of Objector:
..... owner lessee affected person interested person
..... other (specify

Reasons for objection:
.....
.....
.....

Date.....

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

**FORM 3
HERITAGE PLACES PROTECTION ACT
NOTICE OF HERITAGE PLACE DESIGNATION**

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

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

AND WHEREAS

..... no Notice of Objection to Heritage Place Designation was served in accordance with
the Act and regulations; or
..... the Minister considered the objections filed and ordered the designation pursuant to
section 8 of the regulations; or
..... the Island Regulatory and Appeals Commission confirmed or varied the scope of the
designation pursuant to the regulations

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

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

DATED at Charlottetown, this day of,

.....
Minister of Community and Cultural Affairs

**FORM 4
HERITAGE PLACES PROTECTION ACT
AMENDED NOTICE OF INTENTION TO DESIGNATE HERITAGE PLACE**

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

.....
(name or street name and number)

.....
(municipality)

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

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

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

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

DATED at Charlottetown, this day of,

.....
Minister of Community and Cultural Affairs

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

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

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

for the period from to
in accordance with section 9 of the regulations.

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

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

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

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

DATED at Charlottetown, this day of,

.....
Minister of Community and Cultural Affairs

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

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

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

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

DATED at Charlottetown, this day of,

.....
Minister of Community and Cultural Affairs



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

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

.....
(name or street name and number)

.....
(municipality)

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

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

DATED at Charlottetown, this day of,

.....
Minister of Community and Cultural Affairs

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



Building permit - attachedapplied fornot required

.....
date

.....
signature
.....
title, if applicable

FOR INTERNAL USE ONLY	File
Date received	Response

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

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

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

APPLICANT:

Name
Address
.....
Telephone Fax

If the Applicant was not the owner at the time of the designation, give information respecting the deed to the Applicant:

.....County Liber Folio

Date of registration of deed to Applicant

HIS prepared by:

Name
Address
.....
Telephone Fax

Qualifications of person preparing HIS
(attach curriculum vitae)

Detailed description of HIS undertaken
.....
.....
.....

Detailed description of heritage impacts identified
.....
.....
.....

Detailed description of results of HIS
.....
.....
.....

Recommendations (including cost estimates)
.....
.....
.....

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

.....
(signature)
.....
(date)

