PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

HERITAGE PLACES PROTECTION ACT

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This document, prepared by the ***Legislative Counsel Office***, is an office consolidation of this Act, current to May 29, 2026. It is intended for information and reference purposes only.

This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the ***Table of Public Acts*** on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca

HERITAGE PLACES PROTECTION ACT

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HERITAGE PLACES PROTECTION ACT
CHAPTER H-3.1

1. Definitions

In this Act

(a) "**heritage place**" means a place in the province which includes or is comprised of an historic resource of an immovable nature;

(b) "**historic resource**" means any work of nature or of man that is primarily of value for its palaeontological, archaeological, prehistoric, historic, cultural, natural, scientific or aesthetic interest;

(c) "**Minister**" means the Minister of Fisheries, Rural Development and Tourism;

(d) "**prescribed**" means prescribed by regulations under section 6 or 16;

(e) "**municipality**" means a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1. *1992, c.31, s.1; 1993, c.29, s.4; 1995, c.8, s.1; 2000,c.5,s.3; 2009,c.73,s.2; 2010,c.31,s.3; 2015,c.28,s.3; 2016,c.44,s.272; 2019,c.1,s.3; 2023,c.20,s.2; 2026,c.11,s.3.*

2. Responsibilities

(1) The Minister is responsible for the administration of this Act.

Idem

(2) The Minister is responsible for

(a) the preservation;

(b) the study and interpretation;

(c) the promotion of understanding and appreciation,

of Prince Edward Island's heritage places.

Inventory

(3) The Minister may establish and maintain an inventory of heritage places. *1992, c.31, s.2.*

3. Heritage Places Advisory Board

(1) The Minister shall establish a board to be known as the Heritage Places Advisory Board comprising not more than five persons appointed by the Lieutenant Governor in Council.

Functions

(2) The Board shall advise and assist the Minister on all matters relating to the protection of heritage places and, in particular,

(a) the development of heritage objectives and policies, including official plans;

(b) the recommendation of criteria for eligibility for inclusion in the register of heritage places;

(c) the identification, adoption and assessment of specific initiatives;

(d) the promotion of understanding and appreciation of heritage places;

(e) the creation and use of mechanisms to ensure that the views of the public in respect of heritage conservation matters are secured and that the participation of the public is enhanced.

Remuneration

(3) Members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. *1992, c.31, s.3.*

MANAGEMENT OF HERITAGE PLACES

4. Register

(1) The Minister shall establish and maintain a register of heritage places.

Entry

(2) The Minister may, of his own initiative or upon the request of any person or municipality, enter on the register particulars of any building, structure or land that he considers satisfies the prescribed criteria for inclusion.

Extent of entry

(3) An entry under subsection (2) may include

(a) a single property or structure and properties adjacent to it that are important to the setting of the site;

(b) heritage trails or corridors;

(c) heritage districts comprising more than one heritage place. *1992, c.31, s.4.*

5. Designation of heritage places

(1) The Minister may by order published in the Gazette designate any heritage place entered in the register established under section 4 as a designated site, structure or area.

Notice, public

(2) Before making any designation under subsection (1), the Minister shall give proper notice to the owner, and adequate public notice of his intention to do so and the reasons for the designation and shall invite any person objecting to the designation to make known the reasons for the objection in the prescribed form.

Notice to municipality

(3) The Minister shall give notice in writing to the council of the municipality within which a proposed designated site, structure or area is located.

Effect of designation

(4) Where a designation is made under subsection (1) the designation overrides any previously issued permit authorizing the demolition, alteration or development of the designated site, structure or area.

Procedure

(5) The procedures for making a designation, giving notice and dealing with objections shall be prescribed by regulations.

Registration

(6) Where a designation is made, the Minister shall cause a notation thereof in the prescribed form to be registered in the appropriate land registry office.

Temporary designation

(7) Notwithstanding the procedural requirements of this section, where the Minister considers that there is an imminent threat to any heritage place, he may make an order for temporary designation.

Appeal

(8) The owner of any property designated under this section or the municipality in which the property is located may appeal to the Island Regulatory and Appeals Commission against the decision of the Minister.

Powers of Commission

(9) The Commission shall conduct a hearing and make a final decision in the matter.

Offence

(10) No person shall

(a) demolish a building or structure;

(b) alter the facade or exterior of a building or structure;

(c) build on, or undertake works that may adversely affect, any land,

designated under this section without the prior approval of the Minister or a permit under section 11. *1992, c.31, s.5.*

6. Inducements for heritage conservation

The Lieutenant Governor in Council may make regulations to support and encourage the conservation of heritage places and in particular, such regulations may provide for

(a) grants or loans to owners;

(b) technical or advisory assistance;

(c) the creation and administration of emergency, revolving or other special funds;

(d) information services;

(e) incentives by means of property or sales tax exemptions;

(f) agreements with any owner, municipality or other body respecting the matters referred to in clauses (a) to (e). *1992, c.31, s.6.*

7. Additional powers of Minister

The Minister may

(a) with the agreement of the owner, erect signs plaques and other interpretative aids at any heritage place;

(b) produce informational and promotional material with respect to any heritage place;

(c) make arrangements for the provision of educational programs and causes respecting heritage places. *1992, c.31, s.7.*

8. Heritage impact statement

(1) The Minister may, by order, require any person proposing a development that may adversely affect any designated site, structure or area to provide, at the expense of that person, a heritage impact statement which specifies in detail the expected effect of the proposed development.

Review of heritage impact statement

(2) The authority having jurisdiction shall not issue any permit authorizing the development until it has reviewed the heritage impact statement required by subsection (1). *1992, c.31, s.8.*

9. Delegation of powers to municipality

(1) Where a municipality has established a heritage plan setting out objectives, policies and programs for the conservation of its heritage, the Minister may, with the agreement of the council of that municipality, delegate to the municipality any of his powers under this Act.

Application of municipal heritage plan to Crown property

(2) Where a municipality has established a heritage plan under subsection (1), the plan shall apply to any heritage place owned by the government and the government shall consult with the municipality before making any alteration to any such place.

Exemption from municipal property tax

(3) A heritage plan established under subsection (1) may provide exemption from municipal property tax in respect of heritage places and the municipality may exercise any of the powers prescribed by the regulations made under section 6. *1992, c.31, s.9.*

10. Powers of conservation organizations to acquire easements on heritage property

(1) A conservation or heritage organization approved by the Minister may enter into an agreement with the owner of any property of heritage significance to acquire an easement or to place a restrictive covenant in respect of that property.

***Application of Museum Act* provisions**

(2) The provisions of subsections 11(3) to (7) of the *Museum Act* R.S.P.E.I. 1988, Cap. M-14 apply to an easement or covenant entered into pursuant to subsection (1). *1992, c.31, s.10.*

11. Permit to alter

(1) The Minister may, on terms and conditions he considers appropriate, issue a permit to alter any designated heritage place.

Refusal of permit

(2) The Minister may

(a) refuse to issue a permit under subsection (1) for an action that would derogate the heritage value of the place;

(b) amend, suspend or cancel a permit issued under subsection (1).

Detailed requirements

(3) A permit issued under subsection (1) may specify the siting, dimensions, form, exterior design and finish of new construction or renovations to a designated heritage place. *1992, c.31, s.11*.

12. No compensation

Compensation is not payable to any person for any reduction in the value of that person's interest in land or for any loss or damages that result from the exercise in good faith of any power conferred by this Act. *1992, c.31, s.12*.

13. Preservation intervention

If the Minister considers that any heritage place designated under section 5 is subject to damage or deterioration, the Minister may order the owner, on terms and conditions and to specifications that the Minister considers appropriate, to preserve the heritage place at the expense of the owner or at the expense of the owner and the government on a cost sharing basis. *1992, c.31, s.13.*

14. Penalty, individual

(1) Any individual who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding $20,000.

Penalty, corporation

(2) Where a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed is $100,000. *1992, c.31, s.14.*

15. Injunction

The Minister or, in the case of a municipality, the council may apply to the Supreme Court for an injunction to restrain the unlawful alteration or demolition of any designated heritage site, structure or area. *1992, c.31, s.15*.

16. Regulations

The Lieutenant Governor in Council may make regulations. *1992, c.31, s.16*.