

CAPE BRETON REGIONAL MUNICIPALITY

Bylaw C3

HERITAGE PROPERTY

1. In this Bylaw:
 - (a) "Council" means the Council of the Cape Breton Regional Municipality;
 - (b) "Clerk" means the Clerk of the Cape Breton Regional Municipality;
 - (c) "Act" means the *Heritage Property Act*;
 - (d) "Committee" means the Heritage Advisory Committee, established pursuant to the *Heritage Property Act* and this Bylaw;
 - (e) "Regional Municipality" means the Cape Breton Regional Municipality (CBRM);
 - (f) "Heritage Officer" means a CBRM employee appointed by Council pursuant to the Act."
2. (a) The Heritage Advisory Committee is composed of a minimum of seven and a maximum of ten members appointed by Council for a term of two years.
 - (b) At least two members of the Committee shall be members of the Council and at least three but no more than seven members shall be members of local historical societies or individuals who have in the opinion of the Council otherwise demonstrated active concern for the preservation of buildings of historic significance.
 - (c) The Committee has the powers and duties of a Heritage Advisory Committee pursuant to the Act.
 - (d) The Committee shall be governed, where not inconsistent with the Act or this Bylaw, by the general rules of procedure applicable to committees as contained in the Bylaws of the Regional Municipality.
3. The Heritage Officer shall establish and maintain at the business office of the Regional Municipality, a Registry of Heritage Property, where all prescribed documents relating to the

registration of Heritage Property pursuant to the Act or this Bylaw shall be filed. The registry shall:

- (a) be maintained and updated by the Heritage Officer;
- (b) be properly indexed;
- (c) be accessible to the public at no charge during regular business hours at the Regional Municipality Offices.

4. The Registry of Heritage Property shall contain:

- (a) a description of any building, streetscape or area registered by the Council pursuant to the *Heritage Property Act*;
- (b) the recommendation for registration, all notices pursuant to the registration, recording particulars of all notices recorded in the Registry of Deeds and particulars of service of all notices required pursuant to the *Heritage Property Act*;
- (c) all applications for permission to make a substantial alteration to the exterior appearance, or to demolish, a registered building, streetscape or area, together with the particulars of the recommendations of the Heritage Advisory Committee thereon and the particulars of the disposition thereof;
- (d) in a separate section, all buildings, streetscapes and areas for which registration has been recommended by the Heritage Advisory Committee but on which a decision to register has not been made;
- (e) in a separate section, all buildings, streetscapes and areas for which registration was recommended by the Heritage Advisory Committee but which Council determined not to register.

5. All properties registered by a municipal unit incorporated within the Regional Municipality shall be considered to have been registered pursuant to this bylaw and be included within the Registry of Heritage Property.

6. Notice of a recommendation by the Heritage Advisory Committee that a building, streetscape or area be registered as a Municipal Heritage Property shall be in the form specified in Schedule "A", attached hereto.

7. Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and the registration shall be in the form specified in Schedule "B", attached hereto.

8. Council may from time to time establish and amend guidelines for the registration of property as a Municipal Heritage Property, and the Heritage Advisory Committee shall, in making recommendations, take the guidelines fully into account.

Passed and adopted by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on October 17, 1995, and amended on April 17, 2007, and March 12, 2019.

Mayor Cecil P. Clarke

Deborah Campbell Ryan, Clerk

This is to certify that the attached is a true and correct copy of the Heritage Property Bylaw of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on October 17, 1995 and amended on April 17, 2007 and March 12, 2019.

Deborah Campbell Ryan, Clerk

DATE OF ADVERTISEMENTS: **October 27, 1995**
July 10, 2007 (amendment)
June 22, 2019 (amendment)

SCHEDULE "A"**NOTICE OF RECOMMENDATION****TO REGISTER A MUNICIPAL HERITAGE PROPERTY****Cape Breton Regional Municipality**

Pursuant to the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been recommended for registration in the registry of heritage property for the Cape Breton Regional Municipality.

The property has been recommended for registration [here set out reason for recommendation].

The **Heritage Property Act** provides that if a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property. For further information refer to the **Heritage Property Act**.

The **Heritage Property Act** further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after notice of recommendation to register the property has been served, unless the Regional Municipality sooner refuses to register the property.

The owner has the right to be heard concerning the recommended registration, and the date of the hearing shall be [here set out date, time and place of hearing]. Submissions may be made orally or in writing if desired, and a written submission may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to the Act.

Dated at _____ this ____ day of _____ 2____.

Per:
Regional Municipality Clerk

PROVINCE OF NOVA SCOTIA)
COUNTY OF CAPE BRETON SS)

ON THIS day of , A.D., 2____, before me, the subscriber, personally came and appeared the subscribing witness to the foregoing Notice, who, having been by me duly sworn, made oath and said that **THE CAPE BRETON REGIONAL MUNICIPALITY**, a municipal body corporate, caused the same to be executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper officer in h presence.

Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.

SCHEDULE "B"**NOTICE OF REGISTRATION****MUNICIPAL HERITAGE PROPERTY****Cape Breton Regional Municipality**

Pursuant to Section 14 of the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been registered in the registry of heritage property for the Cape Breton Regional Municipality.

The **Heritage Property Act** provides that where a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property.

For further information refer to the **Heritage Property Act**.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to s. 15(3) of the Act.

DATED at Sydney, Nova Scotia, this [date].

Cape Breton Regional Municipality

Per:
Clerk

PROVINCE OF NOVA SCOTIA)
COUNTY OF CAPE BRETON SS)

Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.