



## WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes – Heritage Property By-law (opening & conclusion)

January 26, 2021 6:00 pm

Held via Zoom and Facebook Livestreamed

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### 1. Call to Order

The Public Hearing was called to order at 6:15 pm.

#### Council Present:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3

Debbie Francis, District 5

Bob Morton, Councillor, District 6

Paul Morton, Deputy Mayor, District 8

Ed Sherman, Councillor, District 7

Richard Murphy, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

#### Staff and Guests Present:

Mark Phillips, Chief Administrative Officer

Todd Richard, Dir. Public Works

Carlee Rochon, Dir. Financial Services

Saira Shah, Planner

Shelleena Thornton, Administrative Supervisor

Rhonda Brown, Municipal Clerk

Madelyn LeMay, Dir. Planning & Development

Sara Poirier, Planner

#### Regrets:

Jeff Hartt, Councillor, District 4

Members of the public watched the meeting using Facebook Live.

### 2. Introduction

Mayor Zebian stated a Public Hearing for this By-law is required by Section 168 of the Municipal Government Act and Section 15.5 of the Meeting and Committee Procedural Policy. This virtual public hearing is hosted by Council.

In order to gather comments from the public, material regarding Heritage Property By-law was posted on the Municipal website on December 31, 2020, and the public was invited to comment by January 25, 2021.

When the Public Hearing is complete, the Council meeting will resume, and proceed with Second Reading of the By-law where members of Council may then ask questions and make comments.

### **3. Presentation by Director of Planning and Development**

Director LeMay reviewed the presentation (attached) outlining the background and purpose of the Heritage Property By-law. The Director informed that no comments had been received from the public regarding the By-law.

**Mayor Zebian declared the Public Hearing closed.**

*The meeting ended at 7:07 pm.*

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Abraham Zebian, Mayor

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Rhonda Brown, Municipal Clerk



Heritage Property By-law  
Council January 26, 20201 – Public Hearing and Second Reading  
Madelyn LeMay

# PRESENT HERITAGE PROPERTY BY-LAWS

- West Hants: September 18, 2018 Minister of Municipal Affairs approval
- Windsor: April 13, 1994 Ministerial approval  
January 2020 Council approval; not approved by Minister due to timing

**Intent of Process:** one by-law for WHRM



# HERITAGE PROPERTY BY-LAW

- establishes Heritage Advisory Committee
- establishes a Registry of Municipal Heritage Properties & specifies management



# HERITAGE ADVISORY COMMITTEE

- may advise Council respecting:
  - inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;
  - application for permission to substantially alter or demolish a Municipal Heritage Property;
  - preparation, amendment, revision or repeal of a Conservation Plan & By-law;
  - administration of Heritage Conservation Districts
  - application for a certificate related to a Conservation Plan and Conservation By-law
- any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act

# REGISTRATION

**Federal:** importance to the nation as a whole

*"The Blockhouse is a Classified Federal Heritage Building because of its historical associations, and its architectural and environmental value..."*



**Provincial:** importance to the Province

*The Clockmaker's Inn is valued for its association with Rufus Curry, a significant Nova Scotian industrialist in the late nineteenth and early twentieth centuries...*



**Municipal:** importance primarily to local area

*All Saints Anglican Church is valued for its role as a church and focal point in the community of Leminster as well as a representation of Gothic Revival architecture*



# PROCESS FOR REGISTRATION



# DEREGISTRATION

- Municipality may deregister a Municipal Heritage Property at request of owner or on its own
- process:
  - 30 days notice
  - public hearing
  - Note: no Public Hearing required for registration, only opportunity for the owner to be heard by Council
- Reasons for deregistration:
  - property destroyed or damaged by any cause
  - property has lost heritage value (identified in the notice of recommendation) except when caused by neglect, abandonment or other action/inaction of owner



# HERITAGE PROPERTY ACT 2010 CHANGES

- purpose of Act broadened: identification, designation, preservation, conservation, protection and rehabilitation of "*buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value*"
- added definition of "*substantial alteration*" which clarifies intent & application: "*any action that affects or alters the character-defining elements of a property*"



# ALTERATION OR DEMOLITION

- substantial alteration requires Council approval: *"any action that affects or alters the character-defining elements of a property"* (includes demolition)
- application in writing required
- staff report to HAC
- within 30 days>HAC recommends to Council
- Council: decision within 3 years
- decision: grant heritage permit with or without conditions or refuse



# REFUSAL

*HPA:*

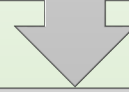
*“Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application”*

- prior to 2010, the time frame was at any time after 1 year from the date of the application but not more than 2 years from the date of application

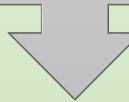


# RESULT OF "REFUSAL"

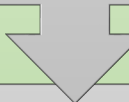
Sept 2020 Application: Heritage House to add front porch



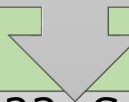
Report and Recommendation to HAC



HAC recommendation to Council



January 2020 Council refuses permission



September 2023- September 2024

(former: Sept 2021-Sept 2022)

**Heritage House may add front porch**

# REGISTRY INFORMATION

For each Registered property:

- Notice of Recommendation
- Notice of Registration

filed in the Registry of Deeds/LRO

- information now inaccurate for any Notice of Registration filed before December 2010
- to ensure owners have correct information, Notice of Registration for each property will be replaced with a Notice bearing the correct time frames once there is a Heritage property By-law for the Region (already approved by WHRM Council)

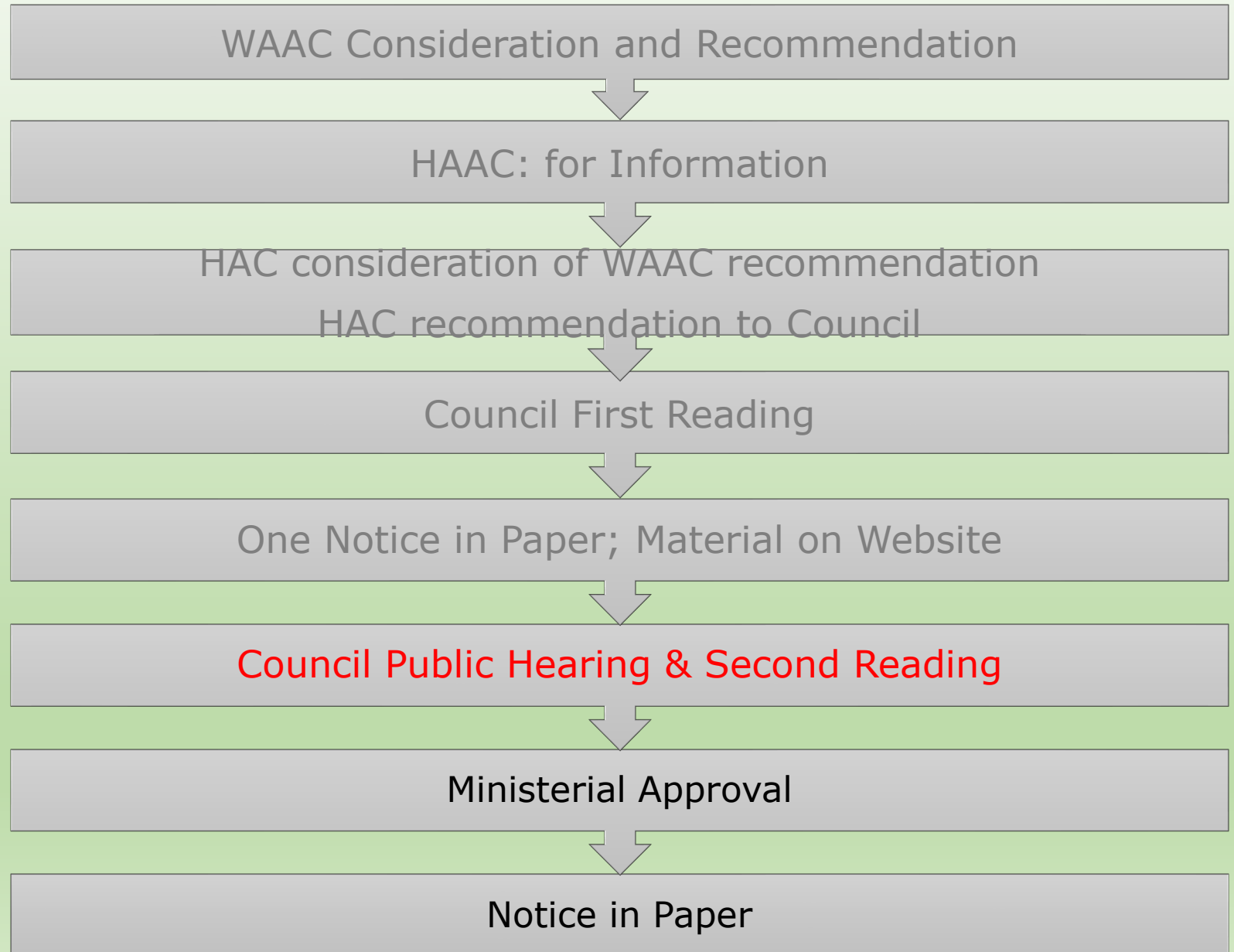
# REGIONAL HERITAGE PROPERTY BY-LAW

- one By-law for the Region reasonable
- ensure that regulations and opportunities regarding heritage are the same across the Region



# BY-LAW ADOPTION PROCESS

All statutory  
requirements  
have been met



# POSSIBLE MOTION FOLLOWING PUBLIC HEARING

.. that Council replace the existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.