

HERITAGE ALTERATION PERMITS

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This guide is excerpted from the
Heritage Conservations Areas resource guide,
which is found at heritagebc.ca.

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HERITAGE CONSERVATION AREAS

HERITAGE ALTERATION PERMIT

Overview of Heritage Alteration Permits

Guidelines established with the HCA will include construction and alteration restrictions that aim to protect the integrity of the overall area and the heritage values of the individual properties. Unless an exemption is provided in the HCA, the property owner will require a Heritage Alteration Permit (HAP). If granted, the HAP will provide the property owner with the needed alterations (e.g. to bylaws, zoning, guidelines) in order to proceed with the desired changes to the protected property. As a result, the HAP offers flexibility to the local government and the property owner.

Heritage alteration permits are used most frequently for properties that are:

- Designated;
- Included on a Heritage Conservation Area schedule;
- Protected by a heritage revitalization agreement;
- Protected by a heritage conservation covenant; or
- Archaeological sites or other sites protected under the heritage conservation act.

A heritage alteration permit may vary or supplement portions of the *Local Government Act*, including:

- Some of the provisions regarding rural land use bylaws;
- Land use designation;
- Permits;
- Development cost recovery; and
- Subdivision and development requirements.

Local governments may not refuse to issue a HAP as a means to prohibit the legitimate development of property, and it may not be used to vary the use or density provisions of the local government's land use bylaw.

Heritage Conservation: A Community Guide provides the following information about utilizing a HAP:

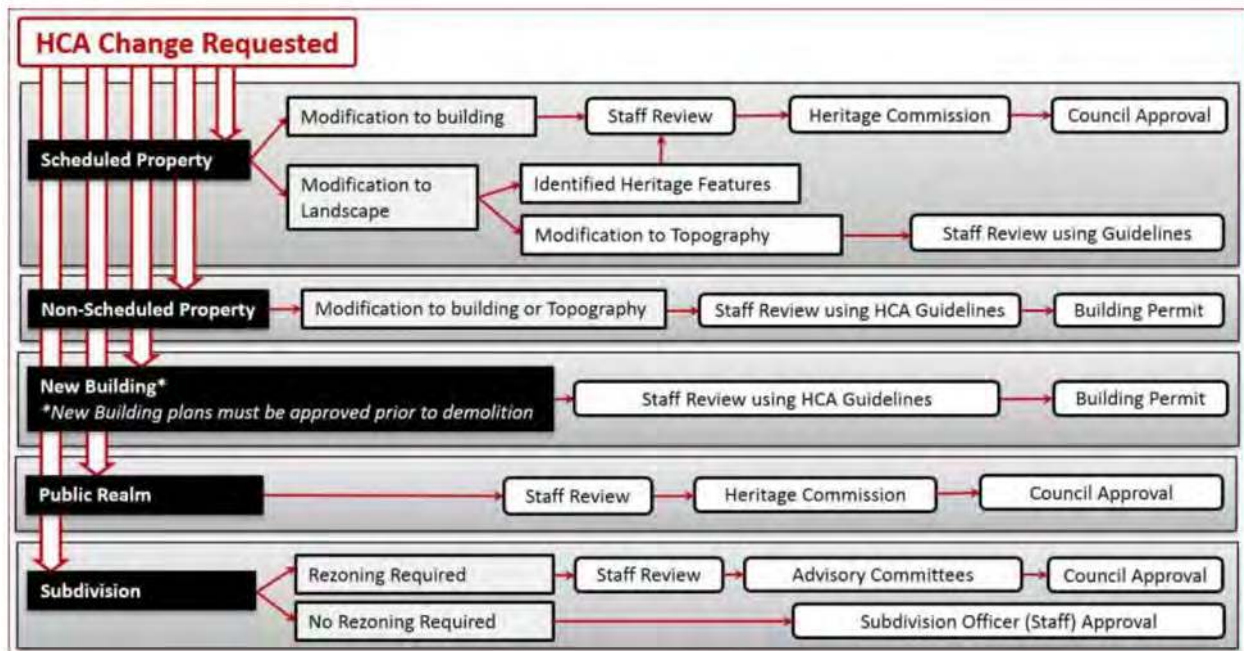
1. Local government must establish the requirements for heritage alteration permits in any heritage revitalization agreement or heritage conservation covenant. Heritage alteration permits are automatically required for properties that are designated, included on a Heritage Conservation Area schedule, or archaeological and other sites protected under the Heritage Conservation Act.
2. A property owner makes application for a heritage alteration permit that details the proposed alterations to the heritage property.
3. Local government or its delegate evaluates the proposed alterations and approves or denies the issuance of a heritage alteration permit. A local government may refuse issuance of a heritage alteration permit if the proposed alterations are inconsistent with the intent of the heritage protection.

The Guide also provides the following example:

A single-family residential structure is included on a Heritage Conservation Area schedule of an official community plan. The owner of the building makes application to the local government for a heritage alteration permit to allow for the reconstruction of a verandah on the front of the building. The director of planning, as the delegate of the local government, evaluates the application, makes suggestions for improvement of the design, finalizes the design with the applicant, and issues the permit.

[\(source\)](#)

The following chart, developed by Heritageworks for the District of Oak Bay, shows how applications to make various requests for changes will be reviewed and how staff will use the new HCA Guidelines.



[\(source\)](#)

Following is the legislation as it is found in the *Local Government Act (LGA)*, plus an accompanying commentary. Further details follow in other sections of this guide.

Please note, while this section quotes principal portions of the LGA, it is not intended to offer a legal interpretation of the LGA. Please refer to [the complete Act](#) for more information and seek legal advice as needed.

Introduction to the Legislation

Part 15 – Heritage Conservation

Division 6 — Heritage Alteration Permits

<p>1) A local government or its delegate may issue a heritage alteration permit authorizing alterations or other actions if the authorization is required by</p> <ul style="list-style-type: none"> a) this Act or by a bylaw or order under this Act, b) a heritage revitalization agreement, or c) a covenant under section 219 of the Land Title Act. 	<p>A heritage alteration permit (HAP) is one of the conservation tools that is available to local governments.</p>
<p>2) Subject to subsection (4), the heritage alteration permit may, in relation to protected heritage property or property within a heritage conservation area, vary or supplement provisions of one or more of the following:</p> <ul style="list-style-type: none"> a) a bylaw or heritage alteration permit under this Part; b) a land use permit under Part 14 [<i>Planning and Land Use Management</i>]; c) a land use regulation bylaw under Part 14; d) a bylaw under Division 11 [<i>Subdivision and Development: Requirement and Other Related Matters</i>] of Part 14; e) a bylaw under Division 19 [<i>Development Costs Recovery</i>] of Part 14. 	<p>It can be used to vary or supplement specified bylaws and land use regulations.</p>
<p>3) A permit issued under this section prevails over a bylaw or permit referred to in subsection (2) to the extent of any conflict.</p>	<p>If a conflict arises, the HAP will take precedence over a bylaw or permit.</p>
<p>4) The following restrictions apply to subsection (2):</p> <ul style="list-style-type: none"> a) the use or density of use may not be varied; <ul style="list-style-type: none"> i) a zoning bylaw in relation to residential rental tenure as defined in section 455 may not be altered; b) a flood plain specification under section 524 (3) may not be varied; c) in relation to property within a heritage conservation area, the permit must be in accordance with the guidelines established under section 614 (2) (b) for the heritage conservation area. 	<p>HAPs must be aligned with the Heritage Conservation Area guidelines. HAPs cannot be used to alter residential rental tenures or flood plain specifications.</p>

<p>5) A local government or its delegate may refuse to issue a heritage alteration permit for an action that, in the opinion of the local government or delegate, would not be consistent with the purpose of the heritage protection of the property.</p>	<p>The purpose of the HAP is to protect heritage properties and it should not be used when that purpose cannot be achieved.</p>
<p>6) If the refusal to issue a heritage alteration permit prevents</p> <ul style="list-style-type: none"> a) the use of land that is allowed under the applicable zoning bylaw, or b) the development of land to the density that is allowed under the applicable zoning bylaw in respect of that permitted use, the local government or delegate must inform the applicant of the requirements or conditions under which a use or density proposed by the applicant in accordance with section 588 (2) [limits on use of this Part] would be allowed. 	<p>When the local government's refusal of a HAP request results in restricted land use or development (that would otherwise occur for non-heritage properties), the local government will provide methods by which the applicant's wishes would be allowed.</p>

HERITAGE ALTERATION PERMITS: RESOURCE GUIDE

This resource guide is part of a series describing the heritage conservation tools that are available through BC's *Local Government Act*. The other guides are:

Community Heritage Commissions
Community Heritage Registers
Heritage Conservation Areas
Heritage Designation

Heritage Revitalization Agreements
Heritage Impact Assessment
Heritage Covenant
Temporary Heritage Protections

All guides are available at heritagebc.ca.

A NOTE TO READER

Please contact Heritage BC if this guide did not provide answers to your questions. [Let us know](#) how we can help, and we will find the information you need.

It is intended this guide will develop through community input. If you have best practices and case studies that would benefit this guide, please contact [Heritage BC](#).

The resource guides provide overviews through research and commentary. Application of the heritage conservation tools are not prescriptive, as they can be adapted to each situation. Local governments and regional districts wanting to implement the heritage conservation tools should seek legal counsel as required.

ABOUT HERITAGE BC

Heritage BC supports all people of British Columbia who champion the preservation and conservation of all forms of cultural heritage, developing awareness, appreciation and respect for B.C.'s built and intangible traditions.

Heritage BC is a charitable not-for-profit supporting heritage conservation across British Columbia through education, training and skills development, capacity building in heritage planning and funding through the Heritage Legacy Fund.

As an organization of provincial scope, Heritage BC recognizes that its members, and the local history and heritage they seek to preserve, occupy the lands and territories of B.C.'s Indigenous peoples. Heritage BC asks its members to reflect on the places where they reside and work, and to respect the diversity of cultures and experiences that form the richness of our provincial heritage.

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