

HERITAGE DESIGNATION

A RESOURCE GUIDE

Like the Community Heritage Register, heritage designation is an important component of a local government's heritage program, as it is a recognized method to identify, acknowledge, record, and protect local heritage that has a particular value to the community.

Unlike the Community Heritage Register, designation has a more formal process that establishes the designation through the adoption of a bylaw. The heritage designation process helps the local government to understand and identify significant properties of enduring heritage value.

The goal of this guide is to support heritage designation through research, guidelines, and standards, and to address the challenges of interpretation and implementation. By understanding best practices and lessons learned, heritage designation can be successfully utilized by all local governments and regional districts.

Please note: this guide does not describe heritage conservation areas, which are a related form of designation, and it does not include references to the Heritage Conservation Act, which also describes heritage designation, but as established by the provincial government.

HeritageBC



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HERITAGE DESIGNATION

A BRIEF OVERVIEW

Described in the *Local Government Act (LGA)*, heritage designation is a legal protection tool for properties of particular value to a community. Unlike a Community Heritage Register, which can include a wide range of properties exhibiting various heritage values, heritage designation is typically reserved for properties that have outstanding merit and are highly representative of a community's history and heritage.

It is for this reason the *LGA* provides the legal framework for long-term protection of heritage properties. This is done through a bylaw, which will refer to the property's significance and will include any ongoing requirements that are needed to maintain the property to a specified standard. Bylaws are registered with the Province and the Heritage Branch.

Designation can protect a heritage building or landscape from unsympathetic alteration and subsequent loss of character. These constraints, which are described in the bylaw, are almost always concentrated on the exterior of the property, but it is possible to include interior features in the designation.

The features of a designated property described in the bylaw typically cannot be altered, damaged, or destroyed without a heritage alteration permit, but of course, some alterations may be required for the ongoing use and proper maintenance of the property.

The *LGA* extends some authorities to the local government, such as examination and research of the property. While a local government can consider designation without an owner's consent, it is more likely the designation will be formed through an agreement between the property owner and the local government, taking into account incentives that may be available to the owner. This approach is sometimes referred to as a 'friendly' or 'negotiated' designation.

'Involuntary' heritage designation, which might occur for very significant heritage properties, can occur without the consent of the owner, although this does not appear to be a common practice.

The local government may require and contribute to the cost of an assessment of the condition and potential future use of the heritage property.

Ongoing, a local government heritage program should recognize that some changes to protected heritage property are inevitable. Heritage buildings must be useful and safe like any other. It is then advisable for the local government to work with the property owner to implement reasonable and necessary changes, while at the same time protecting the building's essential heritage qualities.

Community Heritage Register versus Heritage Designation

A property may be listed on a heritage register, or have heritage designation, or both. (source)

Heritage Designation	Community Heritage Register
Provides permanent legal protection for a historic place.	Identifies a historic place that the community deems to have heritage value
Changes require a Heritage Alteration Permit.	Does not provide permanent legal protection.
Is enacted by bylaw.	Is enacted by local government through a resolution

This comparison of designation and Community Heritage Register comes from *Heritage Conservation: A Technical Manual for Local Governments*.

	Designation	Register
Legal Protection?	Yes	No
Permanent Protection?	Yes	No
Compensation?	Yes	No
Official List?	Yes	Yes
Withhold Approval?	Yes	Yes
Withhold Demolition?	Yes	Yes
Impact Assessment?	Yes	No
Heritage Inspection?	Yes	Yes
Temporary Protection?	Yes	Yes
Public Hearing Before?	Yes	No
Affects Land Title?	Yes	No
Building Code Provisions?	Yes	Yes

HERITAGE DESIGNATION

THE LEGISLATION

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

LOCAL GOVERNMENT ACT

Part 15 — Heritage Conservation

<p>594 Notice on land titles</p> <p>1.) A local government must file a written notice in the land title office with respect to the following real property:</p> <ul style="list-style-type: none">a) property that is subject to a provision under section 393 (1) [<i>repayment requirement in relation to regional district heritage exemptions</i>];b) property that is subject to a provision under section 225 (6) (c) [<i>repayment requirements in relation to tax exemptions</i>] of the Community Charter in relation to heritage property;c) property that is subject to a heritage revitalization agreement;d) property designated by a heritage designation bylaw.	<p>Because the designation of a heritage property is established with a bylaw that affects the title of the property, the local government is required to notify the provincial government about all designated properties.</p> <p>“Real property” is a legal term that is sometimes misinterpreted, receiving a narrower application than is necessary. Please refer to the section on real property for a definition (found in the Community Heritage Register guide).</p>
<p>595 Notice to heritage minister</p> <p>1.) A local government must notify the heritage minister with respect to the following real property:</p> <ul style="list-style-type: none">(a) heritage property for which a tax exemption is provided under section 392 [regional district exemptions for heritage properties];(b) heritage property for which a tax exemption is provided under section 225 [municipal exemptions for heritage properties] of the Community Charter by reason of it being heritage property;(c) heritage property included under section 614 (3) (b) in a schedule to an official community plan;(d) heritage property identified as heritage property in a community heritage register;(e) heritage property that is subject to a heritage revitalization agreement;(f) property designated by a heritage designation bylaw.	<p>Similar to the Community Heritage Register, properties that receive heritage designation are to be reported to the Province, in this case to the Heritage Branch. The property will be added to the BC Register of Historic Places. The Heritage Branch will deliver the information for inclusion on the Canadian Register of Historic places.</p> <p>A Statement of Significance is required for notices of new CHR listings and is highly recommended for notices of heritage designations, HRAs and HCAs. Sites from the BC Register that are fully documented with a Statement of Significance will also be added to the Canadian Register of Historic Places, a searchable database of historic places across Canada. In all cases, a Statement of Significance should be prepared for all heritage properties.</p>

612 Heritage designation procedure

1.) Before a heritage designation bylaw is adopted, the local government must hold a public hearing on the proposed bylaw for the purpose of allowing affected parties and the general public to make representations respecting matters contained in the proposed bylaw.

(2) The following provisions of Part 14 [Planning and Land Use Management] apply with respect to the public hearing and enactment of the heritage designation bylaw:

- a. section 465 [public hearing procedures];
- b. section 469 [delegating the holding of public hearings];
- c. section 470 [procedure after public hearing];
- d. section 480 [adoption of municipal zoning bylaw].

(3) At least 10 days before the public hearing, a notice in the prescribed form must be given in accordance with section 592 [giving notice to owners and occupiers] to

- a. all persons who, according to the records of the land title office, have a registered interest in real property that would be designated, and
- b. all occupiers of real property that would be designated.

(4) A notice in the prescribed form must also be published in at least 2 consecutive issues of a newspaper, with the last publication to be at least 3 days but not more than 10 days before the public hearing.

(5) The local government must have a report prepared regarding the property to be designated that includes information respecting the following matters:

- a. the heritage value or heritage character of the property;
- b. the compatibility of conservation with the official community plan and any other community planning objectives in the area in which the property is located;
- c. the compatibility of conservation with lawful uses of the property and adjoining lands;
- d. the condition and economic viability of the property;
- e. the possible need for financial or other support to enable appropriate conservation.

(6) At least 10 days before the public hearing, the report under subsection (5) must be available for public inspection at the local government office during its regular office hours.

(7) No heritage designation bylaw is invalid for inadvertent and minor non-compliance with this section or Division 2 [Notices under this Part], or for an error or omission in the report required under subsection (5).

(8) Within 30 days after a local government adopts or defeats a heritage designation bylaw or determines not to proceed with the bylaw, the local government must give notice of this in the prescribed form to the owners entitled to notice under subsection (3) (a).

(9) Within 30 days after adopting a heritage designation bylaw, the local government must give notice of this

- a. to the land title office in accordance with section 594, and
- b. (b) to the heritage minister in accordance with section 595.

The LGA provides a detailed procedure to be followed when initiating the designation process.

613 Compensation for heritage designation

(1) If a designation by a heritage designation bylaw causes, or will cause at the time of designation, a reduction in the market value of the designated property, the local government must compensate an owner of the designated property who makes an application under subsection (2),

- (a) in an amount or in a form the local government and the owner agree on, or
- (b) failing an agreement, in an amount or in a form determined by binding arbitration under subsection (4).

(2) The owner of a designated property may apply to the local government for compensation for the reduction in the market value of the designated property.

(3) An application under subsection (2)

- (a) must be made, in order for the owner to be entitled to compensation under this section, no later than one year after the heritage designation bylaw is adopted, and
- (b) may be made before the heritage designation bylaw is adopted.

(4) If the local government and an owner are unable to agree

- (a) that the owner is entitled to compensation, or
- (b) on the amount or form of compensation,

then either the local government or the owner may require the matter to be determined by binding arbitration under the Arbitration Act.

(5) An arbitration under this section must be by a single arbitrator unless the local government and the owner agree to the appointment of an arbitration panel.

(6) The arbitrator or arbitration panel, in determining whether the owner is entitled to compensation and the amount or form of compensation, must consider

- (a) financial and other support available for conservation of the designated property, and
- (b) any other benefits that are available because of the designation of the property.

(7) Compensation must not be paid, and an arbitration must not continue, if the local government defeats or decides not to proceed with the heritage designation bylaw.

(8) Nothing in this section authorizes the local government to give any financial or other benefit to an owner except that which is commensurate with the reduction in the market value of the designated property caused by that designation.

(9) This section does not apply with respect to property that, immediately before the adoption of the heritage designation bylaw, is already designated under a heritage designation bylaw or under section 9 of the Heritage Conservation Act.

The effect of heritage designation on the value of the property can be contentious with property owners, and it is a topic that elicits fears and misconceptions.

Several studies explore the relationship of property valuation and designation and register listing. The evidence indicates properties that are recognized for their heritage values will more likely increase in commercial value. For further information, please [refer to Heritage BC's webinar on-demand](#); a summary is provided in this guide.

<p>Designation of heritage conservation areas</p>	<p>This guide does not describe heritage conservation areas. Please refer to Heritage BC's webinar-on-demand and to the Heritage Conservation Areas Resource Guide.</p>
<p>616 Heritage site maintenance standards</p> <p>(1) A local government may, by bylaw, establish minimum standards for the maintenance of real property that is</p> <ul style="list-style-type: none"> (a) designated as protected by a heritage designation bylaw, or (b) within a heritage conservation area. <p>(2) Different standards may be established under subsection (1) for different areas or for different types or classes of property.</p>	<p>The local government may require the property owner to maintain the property to a specified standard. Care and maintenance standards will be described in the bylaw that establishes the designation.</p>



HERITAGE DESIGNATION

THE PROCESS

The property owner is encouraged to meet with local government staff (such as the planner or heritage planner) to discuss the heritage significance of the property, the designation process, and any expectations for legally protecting the property. Staff will be able to advise if a heritage designation bylaw is an appropriate action for the property. A site visit will usually be arranged at this time.

The property owner submits the application form requesting legal heritage protection. Other applications may be required, depending on circumstances; this may include a rezoning application.

Staff reviews the application and prepares a report to Council, presenting a Heritage Designation Bylaw along with the property owner's request. This report may address (section 612(5) of the *LGA*):

- The heritage value or character of the property, as described in a Statement of Significance;
- The compatibility of conservation with the official community plan and other community planning objectives, and lawful uses of the property and adjoining lands;
- The condition and economic viability of the property, and the possible need for financial or other support to enable appropriate conservation.

The report must be available to the public at least 10 days before the required public meeting. See section 612(4).

This ensures the owner(s) and the public have reasonable opportunity for input prior to City Council considering the adoption of a Heritage Designation Bylaw.

Following the public hearing, Council considers 2nd and 3rd readings of the bylaw.

Following successful adoption:

- the property owner(s) sign an agreement confirming the designation is occurring with their support and confirming their understanding of the designation conditions.
- A notation is placed on the title of the property alerting prospective purchasers to the heritage designation.
- The bylaw is registered with the Heritage Branch and Land Titles.

[\(source\)](#)

The City of Maple Ridge has adopted the following requirements for the heritage designation process ([source](#)):

- The registered owner of real property within the District or his or her agent authorized in writing may apply for heritage designation protection pursuant to Section 967 of the Local Government Act.
- Every application for heritage designation protection, unless initiated by the District, shall be submitted in writing to the Director of Planning and shall be accompanied by the following:
 1. a description of the current use of the property;
 1. colour photographs of each elevation of the property;
 1. a Statement of Significance;
 1. a site plan of the property;
 1. elevation drawings showing the architectural features, characteristics and colours of the exterior of the building; and
 1. details of affixed interior building features proposed to be subject to protection.
- The Director of Planning must forward the application to Council.
- Pursuant to Section 968 of the Local Government Act, before a heritage designation bylaw is adopted, the District must hold a public hearing on the proposed bylaw for the purpose of allowing affected parties and the general public to make representations respecting matters contained in the proposed bylaw.



HERITAGE DESIGNATION

REASONS FOR DESIGNATION

The designation of property is a principal tool that local governments have to provide long-term protection of our built heritage resources for future generations.

Through the designation process, the local government can:

- Recognize the importance of a property to the local community;
- Protect the property's heritage value;
- Encourage good stewardship, conservation, and appropriate management;
- Protect from demolition; restrict demolition by passing appropriate zoning and/or other bylaws;
- Ensure changes to the property respect its heritage value; review additions, alterations or demolition requests for heritage properties;
- Promote knowledge and understanding about the property, and increase public recognition and awareness of heritage in general;
- Guide change and planning for a vibrant community that includes heritage; creating a legacy for future generations;
- Retain a community's character and sense of place and identity;
- Maintain a record of properties that have cultural or heritage value;
- Add designated properties to the BC Register of Historic Places and possibly the Canadian Register of Historic places.

To help guide change, it is important to first identify the places in the community that have cultural heritage value. Then it is possible to protect local heritage properties while planning for change.

For the individual property owner, benefits can be found in the incentives that may be offered by the local government. Examples can include:

- Guidance on good heritage conservation practices from the local government's planning department;
- Plaque to recognise the importance of a property;
- Access to grants for restoration work;
- Tax refunds and abatements;

The Province of BC provides the following benefits for conserving our heritage:

- An attractive province: We're proud of our well-kept, diverse and sustainable communities—we know that tourists like it, too.
- It's the green choice: Reusing buildings means less new construction—less wasted energy and materials and fewer harmful emissions. It also preserves green spaces and farmland.
- Promotes a sense of well-being: Conserving our heritage connects us to our past and strengthens our sense of self, our sense of community and our ability to shape our future.
- Revitalizes our communities: Converting old buildings into restaurants, shops and offices generates income and keeps them trendy and vibrant, too!
- Gives the economy a boost: Heritage buildings generate jobs during rehabilitation and draw tourists and commercial activity long afterwards.

([source](#) and [source](#) and [source](#) and [source](#))

HERITAGE DESIGNATION

THE EFFECTS OF DESIGNATION

There are many reasons to designate a property, as described throughout this guide, but it is not unusual for property owners to express concern about the implications of designation.

Heritage BC believes more could be done to proactively communicate the benefit of heritage designation and the incentives. Local governments should make every effort to pre-empt the concerns of property owners and to place a positive light on heritage conservation.

Some of the concerns undoubtedly can be managed with proactive communication that describes the benefits of heritage designation to the community and property owner (through an incentives package). Information should anticipate the questions and concerns of the owner and it should be readily available at all times.

A typical fear of property owners is the loss of property value on the real estate market. Several studies explore the relationship of property valuation and designation and register listing. While the comparisons are challenging, the evidence indicates heritage-designated properties are more likely to increase in commercial value.

Perhaps the most compelling research comes from Robert Shipley, who wrote in *Heritage Designation and Property Values: Is there an Effect?*:

“Almost 3,000 properties in 24 communities were investigated, in what is believed to be the largest study of its kind ever undertaken in North America. It was found that heritage designation could not be shown to have a negative impact. In fact, there appears to be a distinct and generally robust market in designated heritage properties. They generally perform well in the market with 74% doing average or better than average. The rate of sale among designated properties is as good or better than the ambient market trends and the values of heritage properties tend to be resistant to down-turns in the general market.” ([source](#))

The rate of sales among designated properties is as good or better than the ambient market trends and the values of heritage properties tend to be resistant to down-turns in the general market.

The following information comes from one of the largest Canadian studies, which surveyed 24 Ontario communities and 3,000 properties. Some of the findings found in this report:

- Considering house prices, 74% of heritage properties performed average or better than average in the market.
- The rate or number of sales among designated properties was good or better than the comparative market.
- Values of heritage properties tend to be resistant to down-turns in the general market.

Taking a closer look, the study indicates approximately 59% of the heritage properties performed better than the average property. 15% of the heritage properties were comparable to the average price trend. And 26% performed below the average price trend. This suggests that three out of four times, a heritage property will sell at the same price or better than the average market. Looking at individual communities, we can see some performed extremely well:

- Heritage homes performed as high as 88% in Oakville and 92% in the Region of Haldimand-Norfolk

There was only one exception to this trend that was revealed in this Ontario study:

- Individually designated heritage properties in Prince Edward County under-performed by 71% below average.

The author of the Ontario study also looked at the effect of a market downturn.

- 21% of the surveyed properties lost value greater than the average.
- 32% performed at the same rate as the average.
- 47% performed better than average.

That means, nearly 80% of the heritage homes held their value or did better during a repressed period.

The same author produced a report in 1992 that focused on heritage homes in London, Ontario. While it is an older report, it suggests heritage real estate has held a certain strength in the market for a while. The research showed 64.4% of individual designated properties performed better than the average real estate market. Another 33.3% were consistent – or held their own – with the market. Only 2.2% performed below average real estate market. Acknowledging this is a smaller, restricted sample, this report suggests 97.8% of heritage properties did as well or better in the real estate market than non-heritage properties.



HERITAGE DESIGNATION INCENTIVES 1

Incentives are bonuses that may be available to property owners after a property has received heritage designation or recognition, as per the requirements set by the local government. Some incentives may only be available to property owners through a Heritage Revitalization Agreement ([link](#)), such as zoning variances.

The following summary information provides an overview of the many types and variations of incentives that are available in BC and elsewhere. It is the responsibility of each local government to adopt its own incentive package.

The review of incentives includes:

- Tax incentives
- Grant programs
- Loan programs
- Other incentive programs

Tax Incentives

Local Government	Incentive Program	Comment
Brandon, MB	Tax credit	50% of construction work; minimum of \$5,000. Credit can be used at any time over the next 10 years.
Charlottetown, PEI	Tax freeze	Heritage Tax Freeze Program allows for the temporary suspension of new municipal property taxes which result from an increase in the assessment following rehabilitation/construction work. Up to a period of five years following rehabilitation at the rate prior to renovation on a graduated basis of 100% the first year, 80% the second, 60% the third year etc.
Cornwall, ON	Tax Rebate	Owners may receive a 40% refund on taxes for municipal and school purposes. The program will provide on-going relief for up to 5 years, as long as the property owner complies with their obligations under the terms and conditions of the program.
Edmonton, AB	Tax Rebate	If a designated heritage building undergoes maintenance work or rehabilitative work, the city will refund property taxes to the owner (up to 50% of the rehabilitation, or 33% of the maintenance). Property tax payment can continue for up to 10 years.
Kingston, ON	Tax Rebate	40% tax refund per designated heritage property (subject to a maximum of 5,000 dollars or the total cost of maintenance and eligible work).
Kitchener, ON	Tax Rebate	Homeowners receive a reduction of up to 40% of their property taxes.

Markham, ON	Tax Rebate	30% reduction for residential, commercial, industrial, farm etc.)
Nanaimo, BC	Tax Rebate	Tax exemptions are issued for up to 35% if the value of improvement work. There is a program designed to encourage residential conversion of heritage buildings in certain districts.
Newmarket, ON	Tax Rebate	Owners may receive a 40% refund on taxes. The refund is based on municipal and school taxes.
Oshawa, ON	Tax Rebate	Owners may receive a 40% refund on taxes. The refund is based on municipal and school taxes.
Owen Sound, ON	Tax Rebate	Owners may receive a 40% refund on taxes. The refund is based on municipal and school taxes.
Peterborough, ON	Tax credit	40% of taxes for municipal and school purposes levied on property assessed in the residential class; and 20% of the taxes for municipal and school purposes levied on property assessed in the commercial or multi-residential classes. The refund is based on municipal and school taxes.
Regina, SK	Tax credit	One-time property tax credit for money spent on conservation work to restore or preserve designated heritage properties. 50% of the cost of eligible work, or a lump sum of \$150k (250k for downtown properties), or total property taxes over 5 years, whichever is the least.
Saskatoon, SK	Tax Rebate	Property tax abatement up to 50% of the costs where a proposed conservation project generates an increase in the existing property taxes. The program is tied to increased taxes due to improvements to the site as a result of conservation.
Sault Ste. Marie, ON	Tax Rebate	Owners may receive a 40% refund on taxes for municipal and school purposes. Property must be designated under Heritage Act and be subject to a conservation easement.
Surrey, BC	Tax Rebate	Surrey offers a 100% exemption of municipal taxes for protected heritage properties. (This exemption does not apply to taxes collected by Surrey for other jurisdictions.)
Victoria, BC	Tax Rebate	Tax exemptions are available when upper storeys are converted to residential use. The exemption amount varies. The program is designed for a particular outcome (densification; increased housing inventory).
Whitby, ON		Owners of heritage properties may receive up to 40% rebate on property tax.
Windsor, ON	Tax Rebate	A reduction of up to 30% of property taxes per year. If the cost of eligible work exceeds 30% of the property tax for that year, the amount over the 30% will be rebated for up to two additional years.

Winnipeg, MB	Tax credit	Owners of designated heritage properties can obtain tax credit for money spent on conservation work. 50% of the work. Credit can be used at any time over the next 10 years. Proposals must involve a minimum of \$10,000 of work.
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Grant Programs

Local Government	Incentive Program
Adelaide, AUS	Advice and documentation: Up to 75% of the total costs up to a maximum grant of \$10,000. Conservation works: Minor projects: Funding of 50% of the total costs up to a maximum grant of \$20,000. Major projects (over \$40k in total): Funding of 50% of the total costs up to a maximum of \$100k, and 25% of the remaining costs up to a maximum of \$150k (total funding cannot exceed \$250k).
Brisbane, AUS	Up to \$3000 for small projects (\$1,000 to \$15,000 in conservation costs). Up to \$10,000 for large projects (more than \$15,000 in conservation costs). Up to \$15,000 for not-for-profit organizations. Eligible projects include replacing roofs, structural work, cleaning masonry, repainting a building or restoring it to its original condition etc.
Burlington, ON	\$15,000 maximum. Property must be designated under the Ontario Heritage Act.
Calgary, AB	Applicants are eligible every 15 years for up to 50% of approved costs up to a maximum of 15% of a property's assessed value (assessed at the time of application).
Charlottetown, PEI	Grants for exterior alterations are offered at 30% of total eligible costs to a maximum of \$5,000 for major renovation projects. General maintenance may be funded to a maximum of \$1,000. Grants for signing up to 50% of total costs to a maximum of \$1,000. Window replacements are funded at 50% up to a \$5,000 maximum.
Christchurch, NZ	Grants approved up to 50% of eligible work and can include the fees of registered architects. Grants paid retrospectively. The fund is currently \$763,000.
Delta, BC	Up to 50% of the capital costs of restoration works. \$15,000 maximum. Property must be placed on Delta's Heritage Register.
Hamilton, ON	Up to 50% of the costs of restoration. \$20,000 maximum.
Kelowna, BC	Buildings with a heritage designation are eligible for grants to a maximum of \$12,500 per 3-year period. Buildings listed on the Kelowna Heritage Register are eligible for grants to a maximum of \$7,500 per 3-year period. Grants for exterior conservation work will not exceed 50% of the cost of the work to be done, to a maximum of \$7,500 (heritage register) or \$12,500 (designated) per 3-year period. Grants for foundation work will not exceed 50% of the cost of work to be done, to a maximum of \$7,500 (heritage register) and \$12,500 (designated) per 3-year period.

Manitoba (Province Wide)	Provincially Designated Heritage Sites and Municipally Designated Heritage Sites are eligible for grants up to \$35,000.00 on a 50% provincial, 50% applicant basis. Typically, maximum grant amounts are only approved for special projects. The average approved grant amount is about \$8,000.00. The average approved grant amount for a single- family house is about \$3,000.00.
Markham, ON	Up to \$15,000. Property must be in one of Markham's heritage districts: Buttonville, Markham Village, Thornhill, and Unionville.
Mississauga, ON	General conservation (excluding structural elements): \$5,000 maximum Repair or restoration of structural elements: \$10,000 maximum.
Niagara on the Lake, ON	Maximum grant amount for industrial/commercial/institutional properties is \$15,000 per property or 50% of the costs of eligible works, whichever is less. Maximum allowable portion for a Heritage Design Study is \$2,000 or 50% of the cost, whichever is less.
Oak Bay, BC	The amount of grants will normally be up to 10% of the total cost of the project for buildings listed on the official Oak Bay Community Heritage Register, and up to 25% of the total cost of the project for designated buildings. The Foundation will determine the percentage granted. A single grant will normally not exceed \$1,000 for a building listed on the official Oak Bay Community Heritage Register and \$10,000 for a designated building. The building must be designated under the bylaws of, or otherwise protected by, the Municipality, and/or the building must be listed in the Oak Bay Community Heritage Register.
Perth, AUS	10% of general rates for the property to a maximum of \$20,000 per year.
Richmond Hill, ON	50% of project costs up to a maximum of \$5,000.
Saskatoon, SK	Up to 50% of the costs where a proposed conservation project does not generate an increase in existing property taxes or in the case of tax-exempt properties. (Up to a maximum of \$150,000 for taxable properties and \$75,000 for tax exempt properties).
Vernon, BC	Up to 50% of the cost of the works, with a \$5,000 maximum.
Victoria, BC	Funding varies.
Whitby, ON	A one-time grant of up to 50% of the cost, up to a maximum of \$5,000. Buildings in the Community Improvement Areas of Downtown Whitby and Downtown Brooklin.
Whitehorse, YT	Up to \$20,000 to cover up to 50% of project costs.

Loan Programs

Local Government	Incentive Program
Burlington, ON	Up to 50% of the total eligible project costs up to a maximum of \$15,000. No interest on amounts of less than \$5,000, interest on projects over \$5,000 is half of prime. This loan is designed for owners of registered heritage properties looking to undertake conservation or rehabilitative work.
Hamilton, ON	Max loan amount is calculated on the basis of 100% of total eligible restoration or conservation costs not to exceed \$50,000 per property. This loan is designed to stimulate the rejuvenation of designated heritage properties. 0% interest. The loan is registered as a second mortgage upon the first advance of funds. Maximum loan term is 10 years.

Other Incentive Programs

Local Government	Incentive Program
Calgary, AB	Density Transfer Program: Property owners of historic resources who are not planning on redeveloping their property can transfer unused potential density for their site to other sides. This program is intended to offset the cost of retention and upkeep for heritage buildings.
Edmonton, AB	Heritage Project Grant. Project grants are designed to provide assistance for non-profit organizations to undertake projects that preserve, research, document, interpret, celebrate, and raise awareness of the history and heritage of Edmonton. Projects may include a range of activities—including the commemoration of significant anniversaries—and are intended to result in diverse and innovative ways of presenting Edmonton's stories for the benefit of all Edmontonians. Up to 75 percent of an applicant's eligible expenses, to a maximum of \$25,000.
Medicine Hat, AB	Special Cultural Events Assistance Grants: provides funding to organizations in Medicine Hat who concentrate on local heritage and cultural activities such as festivals, exhibitions, or performances. Maximum of \$1,000 for events, \$500 for competitions. Between \$10,000 and \$100,000. Not necessarily matching, but property owners are also expected to contribute.
New South Wales, AUS	Heritage Green Energy Grants. Designed to support the implementation of energy efficiency projects for heritage items on a local council's heritage register. Eligible projects include heating, ventilation, hot water, lighting, etc. Projects must render the property more environmentally friendly.
Saskatoon, SK	Permit Refund Program. The City of Saskatoon will refund a portion of any building and development permit fees relating to conservation or heritage preservation. Up to 50% of permit costs.

Seattle, WA	Zoning Code Relief: For specific designated landmarks, the City may authorize a use of the property not otherwise permitted in a certain zone. This is designed to provide the flexibility of use to encourage the preservation and use of historic buildings. Standards may be waived or modified for open space, setbacks, width and depth limits, and landscaping regulations. Parking exceptions for landmark structures are also available on an application basis.
Spokane, WA	Special Valuation. Special valuation is the revision of the assessed value of a historic property which subtracts, for up to 10 years, rehabilitation costs approved by the Spokane City Landmarks Commission. Rehabilitation costs must total 25% or more of the assessed value of the structure prior to rehabilitation.
Strathcona County, AB	The Arts Development/ Program Project Grant enables and encourages community not-for-profit arts, culture and heritage organizations to enhance their services and provide innovative community-based arts, cultural and heritage programs, projects and activities to the residents of Strathcona County. Potential projects include workshops, heritage seminars, etc. protection, restoration, display and interpretation of heritage archives and materials, artifacts, archeological and heritage sites. Applicants may apply for arts development, program or project funds to a maximum of \$5,000. For a collaborative program/ project, only one application can be submitted. Funds must be spent in the year they are awarded.
Surrey, BC	Cultural Grants Program. Designed to support a variety of arts and cultural activities in Surrey, including activities that promote local heritage. Supports initiatives such as training, workshops, conferences, events etc. Registered not-for-profit organizations are eligible for up to \$3,000. Non-registered not-for-profit organizations are eligible for up to \$2,500.
Yellowknife, NWT	Project funding to assist local groups with public projects that celebrate the history and culture of Yellowknife e.g. heritage photo displays, heritage-related public art displays etc.



HERITAGE DESIGNATION INCENTIVES 2

In 2003, the Heritage Branch issued the report: *Incentives for Heritage Conservation: A Survey of British Columbia's Local Governments*. The document contains five categories of incentives:

- Public Stewardship
- Administrative
- Financial
- Developmental
- Co-operative

The following brief summary is offered, as the report states, “to complement and encourage the use of heritage conservation incentives by local governments.”

“Local governments must take a more active role in promoting heritage conservation in their communities. The information received from the survey illustrates that many communities feel that they do not have the means or sufficient community interest to provide incentives for heritage conservation. [The following] shows that not all incentives require a large budget, or excessive planning. The purpose of providing incentives for heritage conservation is to increase the knowledge of and activity in heritage conservation in any given community.”

Public Stewardship Incentives

Information and Advice	<p>Examples:</p> <p>Issues and philosophy of conservation and rehabilitation</p> <ul style="list-style-type: none"> • Municipal regulatory processes affecting heritage properties and building rehabilitation • The availability of support program by the municipality or from other sources • Technical 'how-to' advice • A directory of local heritage tradespeople, contractors, and suppliers • How to conduct research about the history of buildings in the community
Training	<p>A local government can establish a training network in order to provide heritage property owners with the expertise needed to undertake basic conservation projects. Experts within the community could be utilized to share their knowledge in hands-on training sessions.</p>

Community Organizations	<p>A local government could/should:</p> <ul style="list-style-type: none"> • Support independent heritage conservation advocacy organizations, and neighbourhood or merchant organizations representing heritage areas. • Provide financial assistance, the use of public facilities, or through logistical or support services. • Assist heritage area and advocacy groups to develop achievable policy positions and to articulate their positions effectively to the council. • Listen attentively and to consider with respect the viewpoints expressed by such citizens. • Promote and encourage the initial formation of such groups where they do not already exist.
Endorsements	<p>Local governments can:</p> <ul style="list-style-type: none"> • Endorse heritage property owners who seek assistance from other agencies or from the general public.
Recognition and Appreciation	<p>Local governments can:</p> <ul style="list-style-type: none"> • Give public recognition to properties or projects of heritage value to the community. • Install plaques and interpretation signs. • Pass resolutions, issue certificates of recognition. Or otherwise, express the community's appreciation for outstanding conservation efforts. • Examples include: <ul style="list-style-type: none"> • Declaration of Heritage Week • Bronze plaques on designated heritage properties • Commemorative and interpretative street signs (rural and urban roadway) • Annual awards program • Grant program • Web site support • Certificates • Storyboards for selected heritage sites

Administrative Incentives

Administrative Adjustments	<p>Local governments can offer:</p> <ul style="list-style-type: none"> • An efficient, integrated approval process for the building permits or other approvals required for alterations which do not change the exterior appearance of a heritage building. • Immediate handling by staff and priority status on meeting agenda ("green door policy"). • Pre-approval to items covered in a site management plan, or for changes covered under pre-established alteration standards. • Relaxed regulation of applicable bylaws and cut the so-called red tape associated with the potential alteration or rehabilitation of a heritage property.
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Preferential Leasing	Local governments can adopt leasing policies that give preference to heritage buildings.
Conservation Standards and Guidelines	Local governments can establish, by bylaw, minimum standards for the maintenance of properties that are designated or within a heritage conservation area.
Community Heritage Register	Local governments can establish CHRs that provide property owners with opportunities for conservation, such as access to variances in the BC Building Code.

Financial Incentives

Grants	<p>Entitlement Grants</p> <ul style="list-style-type: none"> Given according to a pre-set formula; could be given in the form of a cash payment or as a credit against property taxes. <p>Performance Grants</p> <ul style="list-style-type: none"> Subsidize the costs of conserving properties that meet pre-established criteria and heritage standards; Grants may be made in the form of a cash payment or tax credit. <p>Discretionary Grants</p> <ul style="list-style-type: none"> Subsidize either the heritage property itself or conservation work, based on flexible criteria
Tax Incentives	<p>Property Tax Exemption</p> <ul style="list-style-type: none"> Reduce the amount of property tax by waiving or reducing the owner’s tax liability by adjusting mill rates, property assessment or taxed payable. Tax relieve could be for one year, for a specified time period, or open-ended. <p>Property Tax Freeze</p> <ul style="list-style-type: none"> To remove the disincentive to rehabilitation or area revitalization, property owners are offered temporary exemptions from any increase in property taxes due to increases in the property assessment. <p>Property Tax Deferment</p> <ul style="list-style-type: none"> A type of tax exemption that allows the property owner to defer payment of taxes to a future time, but still remains liable for the full amount of property taxes. <p>Property Assessment</p> <ul style="list-style-type: none"> Taxation of a property can be varied if the property is designated according to the Heritage Conservation Act, the Local Government Act, or the Vancouver Charter, or if it is part of an Official Community Plan. (Refer to BC Assessment Act)

Development Incentives

<p>Zoning</p>	<p>Heritage Zoning</p> <ul style="list-style-type: none"> • Enact restrictions on other properties in order to protect the context of a heritage building. <p>Re-zoning</p> <ul style="list-style-type: none"> • Re-zone heritage property to enable a more profitable use of the building or site. <p>Bonus Zoning</p> <ul style="list-style-type: none"> • Zoning regulations can be designed to offer additional “bonus” density as an incentive for owners to provide certain amenities. <p>Performance Zoning</p> <ul style="list-style-type: none"> • A type of bonus zoning that is based on discretionary awards of extra density within flexible guidelines governing the types of performance to be rewarded, rather than based on a fixed schedule of entitlements. <p>Zoning Concessions</p> <ul style="list-style-type: none"> • Relax or vary any of the provisions of local government land-use regulations (restrictions apply). <p>Transfer of Development Rights</p> <ul style="list-style-type: none"> • An owner is allowed to move unused development rights from a protected heritage site to another property in the community, adding this density to that which is already allowed for the second site under its zoning.
<p>Development Regulations</p>	<p>Heritage Alteration Permit</p> <ul style="list-style-type: none"> • Provides the flexibility to respond to the requests and needs of owners of protected properties over time. • Read further <p>Adjusting Building Regulations</p> <ul style="list-style-type: none"> • Equivalencies, compliance alternatives, relaxations or exemptions offer flexibility that can promote building rehabilitation.

Co-operative Incentives

Heritage Revitalization Agreements	<ul style="list-style-type: none">• A formal voluntary written agreement negotiated by a local government and an owner of heritage property. A heritage revitalization agreement outlines the duties, obligations, and benefits negotiated by both parties to the agreement.• See Heritage Revitalization Agreements: A Resource Guide.
Heritage Conservation Covenant	<ul style="list-style-type: none">• A contractual agreement between a property owner and a local government or heritage organizations. Conservation covenants are registered on the title of the property. The covenant outlines the responsibilities of the covenant parties with respect to the conservation of a heritage property. Conservation covenants can apply to natural or manmade heritage resources.• Read further about covenants
Complementary Public Works	<ul style="list-style-type: none">• A municipality may encourage the owner of a heritage property, or all of the owners in a heritage area, to undertake rehabilitation by agreeing to complement their efforts with public improvements in the vicinity. These improvements can include trees and landscaping, special paving materials for sidewalks and/or roadways, street furniture, heritage street lighting, etc. Alternatively, particular properties might benefit from the removal of adjacent public facilities which create nuisances.



HERITAGE DESIGNATION

COMPENSATION FOR DESIGNATION

Compensation appears to be a stumbling block for completing involuntary designations, as this could expose local governments to potential unexpected and unwanted expenses (and possible arbitration). Many property owners also have a fear of designation, as they perceive this process could negatively affect market value.

However, the evidence suggests a heritage property will not decline in value, and many local governments use waivers to avoid unpleasant surprises.

As mentioned elsewhere in this guide, the relationship of property valuation and designation and register listing has been explored in a number of studies. While the comparisons are challenging, the evidence indicates heritage-designated properties are more likely to increase in commercial value.

Perhaps the most compelling research comes from Robert Shipley, who wrote in *Heritage Designation and Property Values: Is there an Effect?*:

“Almost 3,000 properties in 24 communities were investigated, in what is believed to be the largest study of its kind ever undertaken in North America. It was found that heritage designation could not be shown to have a negative impact. In fact, there appears to be a distinct and generally robust market in designated heritage properties. They generally perform well in the market with 74% doing average or better than average. The rate of sale among designated properties is as good or better than the ambient market trends and the values of heritage properties tend to be resistant to down-turns in the general market.” ([source](#))

It should be noted that many local governments put into place a waiver that removes the potential obligation of compensation. The District of West Vancouver used the following wording in a heritage designation bylaw ([source](#)):

“...the owner has waived any entitlement to compensation to which the owner would be entitled to by section 613 of the Local Government Act should the designation effected by this bylaw reduce the market value of the Property.”

Some local governments have added the waiver requirement to the heritage enabling bylaw. This is taken from a bulletin published by the City of New Westminster:

“... a property owner volunteers his or her property for heritage designation, the City requests that the owner waive all compensation claims by submitting a signed “Compensation Waiver” form.”

The Islands Trust took a slightly different approach:

“Trust Council will consider approval of a local heritage designation bylaw only if a budget item for compensation specific to that property has been identified or if the owner of the property has agreed through legal instrument that compensation will not be sought.” ([source](#))

Following are the clauses taken from the *Local Government Act* that pertain to compensation for loss of market value, plus commentary in the righthand column.

613 Compensation for heritage designation

<p>1.</p> <p>If a designation by a heritage designation bylaw causes, or will cause at the time of designation, a reduction in the market value of the designated property, the local government must compensate an owner of the designated property who makes an application under subsection (2),</p> <p>a) in an amount or in a form the local government and the owner agree on, or</p> <p>b) failing an agreement, in an amount or in a form determined by binding arbitration under subsection (4).</p>	<p>The local government is obligated to compensate a property owner for the loss of market value. It does not suggest how the decline in value will be determined or proven to be caused by the designation.</p> <p>Note, monetary compensation is not specified; it is understood other forms of compensation are possible.</p> <p>The local government and owner can agree on an amount of compensation, or they can go to arbitration.</p> <p>Although the LGA does not suggest the use of a waiver, it is understood this is a legitimate option. Heritage Conservation: A Community Guide (published in 1994 shortly after the adoption of the current LGA) states, "If a property owner waives the right to compensation, the local government prepares a waiver form and has it signed by the property owner and local government officials." (source)</p>
<p>2.</p> <p>The owner of a designated property may apply to the local government for compensation for the reduction in the market value of the designated property.</p>	<p>The owner has permission to make an application for compensation.</p>
<p>3.</p> <p>An application under subsection (2)</p> <p>a) must be made, in order for the owner to be entitled to compensation under this section, no later than one year after the heritage designation bylaw is adopted, and</p> <p>b) may be made before the heritage designation bylaw is adopted.</p>	<p>An application for compensation can be made before the designation is adopted or up to one year after the adoption of designation.</p>

<p>4.</p> <p>If the local government and an owner are unable to agree</p> <p>a) that the owner is entitled to compensation, or</p> <p>b) on the amount or form of compensation,</p> <p>c) then either the local government or the owner may require the matter to be determined by binding arbitration under the Arbitration Act.</p> <p>5.</p> <p>An arbitration under this section must be by a single arbitrator unless the local government and the owner agree to the appointment of an arbitration panel.</p> <p>6.</p> <p>The arbitrator or arbitration panel, in determining whether the owner is entitled to compensation and the amount or form of compensation, must consider</p> <p>a) financial and other support available for conservation of the designated property, and</p> <p>b) any other benefits that are available because of the designation of the property.</p>	<p>Arbitration is an option if an agreement between the local government and the owner is not possible.</p> <p>A brief description of the arbitration process is provided.</p>
<p>7.</p> <p>Compensation must not be paid, and an arbitration must not continue, if the local government defeats or decides not to proceed with the heritage designation bylaw.</p>	<p>If the designation process is not completed, compensation will not be made to the property owner.</p>
<p>8.</p> <p>Nothing in this section authorizes the local government to give any financial or other benefits to an owner except that which is commensurate with the reduction in the market value of the designated property caused by that designation.</p>	<p>Loss of market value is the only reason a local government could be required to compensate a property owner.</p>
<p>9.</p> <p>This section does not apply with respect to property that, immediately before the adoption of the heritage designation bylaw, is already designated under a heritage designation bylaw or under section 9 of the Heritage Conservation Act.</p>	<p>Compensation (in this situation) does not apply if the property is previously designated under the Heritage Conservation Act.</p>

HERITAGE DESIGNATION

SAMPLE APPLICATION

Following is information that can be the basis for an application form for designation.

It is important that you, as the applicant/owner, understand the purpose of heritage designation and what it means to the future of your property.

- Heritage designation is the legal recognition of a structure or property of cultural and historical significance; the designation is established in a bylaw by [our town/city], as described in the *Local Government Act*.
- Heritage designation means that the owner and [our town/city] are committed to retaining and maintaining qualities and features that are important to our community.
- Once designated, alterations to features described in the designation bylaw may only be made through a heritage alteration permit process. A designated property may not be demolished without approval by the council.
- Designation does not affect private ownership and does not impede the purchase or sale of the property. The current owner and future owners will retain all rights to individual enjoyment and use of their property. Once designation of a property is approved by Council, that status remains with the property through a change of ownership, however, the property can be sold or bought without special approval.

Name and contact information of the applicant:

Property Description:

- Date of construction
- Address
- Lot
- Block
- Section
- District
- Plan
- Present use

Do you wish to designate the land or any outbuilding with the building? Yes/no

- Reason for designating the land/outbuilding

Do you wish to designate a landscape feature on the property?

- Describe the feature and reason for the designation.

Do you wish to designate an interior feature on the property?

- Describe the interior feature and reason for the designation.

The designation application will be evaluated on criteria such as:

- Age
- Style
- Construction type and methods
- Designer/builder
- Historic significance (person, period, event)
- Community context
- Visual qualities
- Condition
- Archaeological potential

Please provide information that will support the evaluation of the property, such as:

- How were the original owners or any owners of historical interest?
- Did anyone connected to the property make any particular or significant contribution to the neighbourhood, municipality, province or nation?
- What is the cultural or neighbourhood significance of the property?
- Are there any historical events associated with the property?
- What is the year of construction?
- What is the architectural style and construction? Who was the architect/builder?
- What are the significant features?

As the applicant, why are you suggesting this property be considered for designation?

Please attach photographs and other documents to support the evaluation of your request for designation.

Compensation in relation to the heritage designation of this property is not provided.

All current property owners with an interest in the property must sign this form.

(Include typical information regarding consent and privacy)

Signature by the applicant; date.

HERITAGE DESIGNATION BYLAWS

Local government staff are usually accustomed to preparing legal documents, but they may not be similarly familiar with the attributes of heritage properties and the needs of heritage conservation. Unfortunately, it is possible to write designation bylaws that cannot withstand legal challenge and, therefore, not protect the significance of the property as desired.

It is outside of this guide's scope and Heritage BC's expertise to fully comment on the preparation of a bylaw concerning heritage designation. However, as this is a critical issue, this section is offered to help strengthen the content of the bylaw specifically related to the heritage property and its significance. The following is provided as information only; please seek legal counsel as required.

This section is paraphrased from the Province of Ontario's *Designating Heritage Properties* guidebook ([source](#)):

Statements and descriptions must be carefully written so as to:

- Raise community awareness and understanding about the importance of the property;
- Meet the requirements of the *Local Government Act*, and ensure that designations are defensible;
- Help the property owner, Council, Municipal Heritage Committee or Commission and municipal staff make good decisions about alterations to the property; and,
- Facilitate nomination of the property to the Canadian Register of Historic Places.

It is important that the bylaw clearly describes the heritage values and the expectations of conversation so that the bylaw supports appropriate decision-making in the future. As the bylaw is not likely to contain sufficient detail, the bylaw should rely on and refer to a professionally prepared Statement of Significance and/or conservation report. These documents will provide detailed descriptions and directions that are required in order to respond to issues related to alterations, maintenance, and modifications. The reports can be appended to the bylaw.

In addition to the legal description, there are three key pieces of information to be prepared.

1. Description of Property (so that the property can be readily ascertained);

This describes the general character of the property and identifies those aspects of the property to which the designation applies. In addition to providing information so that the location of the property can be identified (i.e. municipal address and neighbourhood if appropriate), it should outline the principal resources that form part of the designation (i.e. buildings, structures, landscapes, remains, etc.) and identify any discernible boundaries.

2. Statement of Significance

This document, ideally prepared by a heritage professional, will convey why the property is significant and merits designation, explaining cultural meanings, and the associations and connections the property holds for the community. This statement should reflect one or more of the standard designation criteria prescribed in the *Standards and Guidelines for the Conservation of Historic Places in Canada* ([found here](#)).

3. Description of Heritage Attributes

Heritage attributes are those attributes (i.e. materials, forms, location and spatial configurations) of the property, buildings and structures that contribute to the property's cultural heritage value or interest, and which should be retained to conserve that value. Heritage attributes include, but are not limited to:

- Style, massing, scale or composition;
- Features of a property related to its function or design;
- Features related to a property's historical associations;
- Interior spatial configurations, or exterior layout;
- Materials and craftsmanship; or
- Relationship between a property and its broader setting.

The described attributes will relate to the values described in the Statement of Significance and conservation report.

Finally,

- Be informed
- Know your local government's policies, guidelines, and regulations
- Be familiar with conservation standards for historic places
- Be familiar with the *Standards and Guidelines for Conservation of Historic Places in Canada*
- Know the property being considered for heritage designation
- Be pragmatic
- Prepared with information, play an advisory role with a balanced approach
- Be strategic
- Align with the objectives of the local government/council and the community.

HERITAGE DESIGNATION

SAMPLE BYLAW CONTENTS

Following is sample information that a local government can use to create a designation bylaw.

- **Title**
- **Interpretation:** referring to meanings of terms such as heritage value, heritage character, and alter.
- **Designation:** providing specific location information for the property to be designated. This may also include:
 - Specific interior or exterior features and fixtures; or features of the cultural landscape;
 - References from the Statement of Significance and/or conservation report, which can be appended to the bylaw.
- **Prohibition:** describing limitations of “actions to be undertaken in the relation of the Property”. This can include limitations such as:
 - To alter the exterior façade of a building or structure;
 - To alter the roof structure or roofing
 - To make a structural change to a building or structure;
 - To move a building or structure;
 - To alter, excavate or build on land anywhere on the property;
- **Exemptions:** describing actions that may be undertaken without a heritage alteration permit. This may include exemptions, such as:
 - Non-structural renovations or alteration to the interior of a building or structure that do not alter the exterior appearance of the building or structure;
 - Non-structural renovations or alterations to the interior of a building or structure that do not affect any identified feature.
 - Normal repairs and maintenance that do not alter the exterior appearance of a building or structure.
- **Maintenance:** describing the standards to which the property is to be maintained. This may include references such as:
 - Protected heritage properties shall be maintained in good repair. Original exterior features shall be retained, as long as the feature is capable of performing its structural or weather protection function. When replacement is necessary, new materials including roofing, cladding and trim elements shall replicate the original in terms of design, colour and texture.
 - Protected heritage properties shall be maintained so as to reasonably prevent, or effectively retard, damage from the elements. This includes, but is not limited to, preventing water penetration and excessive damage to materials from the wind, sun and insect infestations.
 - Protected heritage properties shall be painted as necessary to protect exterior finish materials. Changes to the exterior finish of buildings or structures, including colour changes, require a Heritage Alteration Permit. New exterior colours and colour placements shall be in keeping with the period and style of the building. In considering the issuance of a permit, the District may consider the appropriateness of the colours to the general period and style of the building.
- **Heritage Alteration Permits:** outlining a process and authorities for actions that are not included under exemptions.
- **Schedules**
 - Statement of Significance, conservation plan, etc.
 - Photographs
 - Maps, surveys
 - Information from the Standards and Guidelines

(source: bylaws prepared by [District of West Kelowna](#), [District of West Vancouver](#), [City of New Westminster](#))

The preceding is offered as information only. Legal advice should be sought as needed.

HERITAGE DESIGNATION

SAMPLE DESIGNATION BYLAW

With minor alterations, this sample bylaw was prepared by Lidstone, Young, Anderson for *Heritage Conservation: A Technical Manual for Local Governments*, 1995.)

Whereas the Council considers that the properties described in the Schedule to this Bylaw have heritage value or heritage character or that their designation is desirable for conservation of protected heritage property,

The Council of the _____, in open meeting assembled, enacts as follows:

Title

1. This bylaw may be cited as “_____ Heritage Designation Bylaw No. _____”.

Interpretation

2. In this Bylaw, the terms “heritage value” and “heritage character” and any grammatical form of the term “alter” has the meaning corresponding to the meaning given to them in the Local Government Act, [RSBC 2015] Chapter 1, Part 15 — Heritage Conservation.

Designation

3. The properties described by civic address and legal description in Schedule A attached to and forming part of this Bylaw are designated as protected under Division 5 – Continuing Protection of the Local Government Act, [RSBC 2015] Chapter 1.

Exemptions from Permit Requirement

4. The following types of alterations may be made to the properties described in Schedule A without the owner obtaining a heritage alteration permit:
 - a) In respect of property described in Part One of Schedule A, being property having heritage value or heritage character, interior alterations that do not affect any interior feature or fixture referred to in Schedule A and that do not alter the exterior appearance of the building and normal repair and maintenance so long as the maintenance is carried out in accordance with the Heritage Maintenance Standards Bylaw No. _____;
 - b) In respect of property described in Part Two of Schedule A, being property the designation of which is necessary or desirable for the conservation of protected heritage property, all interior and exterior alterations, except that no exterior alteration is authorized under this section that involves

- i. The extension of the building into the front yard or either of the side yards as those terms are defined in Zoning Bylaw No. _____;
 - ii. The alteration of the shape of the roof of the building;
 - iii. The alteration of the size, shape, glazing pattern or material composition of any window or door in the building; or
 - iv. The application of vinyl or aluminum siding or soffits, the application of stucco, or the installation of clay, concrete or metal tile roofing.
5. For purposes of section 2(a), “normal repair” means the replacement of elements of the structure or finishing materials of a building with components that are equivalent to those being replaced in material composition, dimensions and quality, except where the elements or materials being replaced are not original to the building in which case a heritage alteration permit is required.

Financial Assistance

6. Where an owner of property described in part One of Schedule A is required by terms of a heritage alteration permit or by Heritage Maintenance Standards Bylaw No. _____ to construct alterations or maintain the property in a particular manner or using particular materials, and the cost of the construction or maintenance is greater than it would be if the owner were not subject to the permit or the Bylaw as the case may be, the owner may by application in writing apply to the Council for financial assistance.
7. An application for financial assistance may be made under Section 6 only one every _____ years, and the Council must, in considering such an application, consider the report of the Chief Building Inspector as to the additional cost of construction or maintenance in each particular case that is attributable to the terms of the heritage alteration permit or Heritage Maintenance Standards Bylaw No. _____.
8. Nothing in this Bylaw obligates the Council to exercise its discretion to provide financial assistance under Local Government Act, [RSBC 2015] Chapter 1, Part 15 — Heritage Conservation in any way.

(signatures)

HERITAGE DESIGNATION

ABOUT INSURANCE

5 Tips for Insuring a Heritage or Historically Designated Property

(Note: the [following information](#) is taken from an Insurance Bureau of Canada publication. This is provided as information only; Heritage BC does not substantiate its contents.)

Insurers look for well-maintained properties with good claims records. Whether you are buying or renovating a heritage home, you can mitigate risk. Consider the following.

1. Shop around. Find an insurer who understands the specific risks associated with a heritage property. Consider the claims settlement process and the deductible amounts being offered.
2. Reduce risk. Take steps to protect your property and reduce the chance of making a claim. The cost of insurance is directly related to risk; by reducing risk, you may be able to lower your premiums. To reduce risk, consider the following:
 - Install smoke detectors and centrally monitored burglar and fire alarms.
 - Ensure your property is compliant with relevant building codes.
 - Replace knob-and-tube wiring. While some insurance companies will not insure properties with knob-and-tube, others may allow you time to have it removed. Still other companies may offer coverage only after a safety inspection.
 - Update and/or upgrade your roof, heating and plumbing systems. Forced air, gas and electric heat; copper and PVC plumbing; and sewer backflow valves are modern options that reduce risk.
 - Provide proof of an adequate fire-break if your property is semi-detached or a row house.
 - Inspect and maintain your property's oil tank, fireplace and/or wood-burning stove
3. Keep accurate records. Detailed information helps an insurer make an informed decision. In an off-site location, store the following:
 - Copies of by-laws and/or ordinances regarding zoning, demolition, repair and/or construction of your property.
 - Information on the type of historic classification – listed, designation or heritage conservation easement – assigned to your property.
 - Information about your region's planning requirements for heritage properties and for "infills" or new construction in heritage districts.
 - Current maintenance and renovation records – for example, upgraded plumbing or replaced roofing – as well as photographs of all aspects of your property, including interiors, exteriors and outbuildings.
4. Document unique characteristics. Features such as hand-carved elements, antique chandeliers, plaster walls and mouldings set heritage properties apart from modern dwellings. Record and photograph these details so your insurer can accurately assess the replacement cost in the event of a loss.
5. Buy sufficient insurance. Insurers may not offer [guaranteed replacement cost coverage](#) for a heritage property, even as a policy add-on. It's your responsibility to ensure adequate coverage to meet heritage regulations. Don't reduce coverage to save a few dollars – coverage should reflect the true value of your property.

When a Heritage Property Is Damaged

After a loss, your insurer determines the [replacement cost](#) or what it will cost to rebuild your property. Determining the replacement cost may be challenging due to the property's building materials, cherished features and historic significance. Factors that may affect replacement cost include:

- Planning approvals. There are often layers of bureaucracy involved in repairing or rebuilding a heritage property. Because of lengthier approval processes, your insurer may pay for your outside living arrangements for a longer period of time than with a non-heritage property.
- Appraisal expertise. To adequately assess your property, a qualified professional with heritage property expertise must do the appraisal.
- By-laws. Generally, a heritage property must be rebuilt on the original site, to its original occupancy, with building materials equivalent to what was used at the time it was built. It's your responsibility to ensure repairs conform to local heritage requirements.
- Claims settlement costs. Additional time for approvals and repairs may contribute to a lengthy claims process.
- Distinctive features. Due to the craftsmanship typically associated with heritage properties, specialty contractors and building materials may be necessary.
- Contaminants. Heritage properties may contain materials now known to be contaminants, such as asbestos. In such a case, special disposal must be arranged, which adds to the cost of the claim.

Additional information is [available here](#).



HERITAGE DESIGNATION: 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 Designation
Heritage Conservation Areas

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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