



HERITAGE DESIGNATION

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 of BC through the Heritage Branch.

Designation can protect a heritage building or landscape from unsympathetic alteration and subsequent loss of character-defining elements. 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. This may be because the LGA requires compensation for perceived financial loss as a result of designation if asked for by the property owner.

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 building. It is then advisable for the local government to use the Heritage Alteration Permit process to work with the property owner to implement reasonable and necessary changes, while at the same time protecting the building's character-defining elements.

For more information about Community Heritage Designations, Heritage Alteration Permits, and other heritage conservation tools, please refer to our in depth series of [resource guides](#).

