

The Heritage Resources Act

Designating Municipal Heritage Sites in Manitoba



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Manitoba

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Introduction

The Heritage Resources Act, providing for the conservation and protection of Manitoba's cultural heritage, was proclaimed law in 1986. This Act replaces *The Historic Sites and Objects Act*, which was originally passed in 1967. The celebration of Canada's Centennial in 1967, followed by Manitoba's centennial in 1970, spurred the development of museums, heritage parks and various commemorative activities, including the establishment of monuments and the publication of popular local histories. The protection of heritage resources, such as buildings, sites and objects under the old Act, had not kept pace with the growing interest and concern Manitobans expressed for preserving the physical reminders of our past. The new Act, therefore, was drafted to specifically address the central issues of affording better protection to heritage resources and greater public involvement. Its main provisions include:

- provision for impact assessments when designated heritage sites or potential heritage sites and resources are the subject of proposed alteration, damage, removal or development;
- A new process with greater public involvement and stronger protective powers for sites and structures of provincial significance;
- stronger powers, to deal with emergency situations when designated sites or potential heritage sites and resources are threatened;
- new protection for heritage objects; and
- new enabling powers for municipal governments to protect heritage sites, including buildings and structures, within the municipality.

This handbook has been designed as an introduction and guide to Part III of *The Heritage Resources Act*, DESIGNATION OF MUNICIPAL HERITAGE SITES. It is not intended as a substitute for the legislation, but should be used in conjunction with *The Heritage Resources Act*, which is available from:

Queen's Printer, Statutory Publications
Lower Level, 200 Vaughan Street
Winnipeg, Manitoba R3C 1T5
Phone: (204) 945-3101
Toll free within Manitoba: 1-800-321-1203
Website: www.gov.mb.ca/chc/statpub
Email: statpub@gov.mb.ca

A copy of *The Heritage Resources Act* 1986 may be obtained on line at www.gov.mb.ca/chc/hrb/orgs/hr_act.html.

While the handbook is intended primarily for the use of municipal councillors, officials and local heritage committees, it is also designed to be of use to anyone interested in local heritage conservation. It will facilitate the understanding of the legal procedures involved with the designation (identification and protection) of heritage sites, including buildings and structures, at the municipal level.

For reference, copies of documents required by the Act in the designation process of municipal sites are attached. These include documents, which are prescribed by regulation under the Act (Appendix A), and those documents which may be drafted by a municipality (Appendix B). As these latter documents do not have to meet a prescribed format, they are suggested samples only. A municipality is free to draft all non-prescribed documents in any alternative acceptable format.

Municipal Heritage Sites

A “municipal heritage site” is one designated as such under Part III of the Act.

The Act permits a municipality to designate as a municipal heritage site any municipal site that, in the opinion of the municipality, either in itself or by reason of heritage resources or human remains discovered or believed to be on or under the site, represents an important feature of the historic or prehistoric development of the locality, or of its people and their culture or of its natural history.

It is important to note that the Act defines “site” very broadly to mean:

“...as the case may require,

- a) an area or a place, or
- b) a parcel of land, or
- c) building or structure, or
- d) an exterior or interior portion or segment of a building or structure, within the province, whether it is privately owned or owned by a municipality...”.

Municipal Powers

The Act defines a municipality as: “... any locality the inhabitants of which are incorporated and continued under the authority of The Municipal Act or some other Act of the Legislature, and includes a rural municipality, an incorporated city, town or village, a local government district and The City of Winnipeg, and includes Northern Manitoba as defined in The Northern Affairs Act and any locality within Northern Manitoba for which provision is made in that Act, and includes the council

or other body or persons authorized to act for a municipality...”.

In the Act, Municipal governments have been given enabling powers to assist them to participate in and support and maintain the preservation of our prehistoric, historic and architectural inheritance so that it can be passed on to future generations. Specific authority afforded under Part III of the Act includes the powers to:

1. Designate, by way of by-law, as a “municipal heritage site” any site or

St. Michael's Ukrainian Catholic Church, Olha, R.M. of Rosburn



structure which represents, either in itself or by reason of the historic resources it contains, the historic or prehistoric development of the locality or of the peoples of the locality or their respective cultures or the natural history of the area; - Sections 25 and 2

2. Establish, by way of by-law, an advisory body known as a municipal heritage committee: - Subsection 34(1)(d)

3. Issue, by way of by-law, Municipal Heritage Permits to ensure that work and improvements to municipal heritage sites are sympathetic to the nature of the site or building; - Sub-section 34(1)(b)

4. Enter, by way of by-law, into agreements with the owners of municipal heritage sites and offer financial and technical assistance for the preservation and maintenance of the site; - Sub-section 34(1)(c)

5. Enter into heritage agreements with an owner of a municipal site to provide for the maintenance, preservation or protection of the site, the provisions of which agreement become covenants that run with the land and are binding upon all owners; - Section 21

6. a) Issue orders in writing where a person is in breach of the Act or a by-law, agreement or Municipal Heritage Permit arising from The Act; and b) Require the person to remedy the breach immediately or within a stated period of time; and c) If the order is not complied with, apply to a judge for a court order permitting the municipality to enter the municipal site and take steps necessary to remedy the breach; - Sub-section 35(1) and (2)

7. Acquire and dispose of municipal heritage sites; - Section 38

8. Maintain, as a duty, a public register of municipal heritage sites; - Section 39

9. Receive gifts and bequests for heritage preservation purposes; - Section 40(2)

10. Erect plaques or produce other material to provide information as to the heritage significance of municipal heritage sites; - Sub-section 36(1)

11. Enter into agreements with persons and groups concerning heritage preservation, including the coordination of programs, offering information to the public and programs of research and discovery, restoration and preservation. – Section 60 Municipalities also have authority, under *The Planning Act*, to undertake the preservation of local heritage sites where there is a development plan in effect. This legislation permits the formation of planning districts and the appointment of planning boards to oversee development in a prescribed district. Sub-section 27(4) of *The Planning Act* states that a development plan prepared for a planning board should contain, among other provisions, a statement of aims, objectives and policy with respect to the preservation, protection and enhancement of areas of land, buildings and structures by reason of their historical, archaeological, geological, architectural, environmental or scenic significance.

Municipalities do not have the authority to designate any sites, including buildings and structures, owned by the provincial or federal government. Similarly, the provincial government does not have the authority to designate any site owned by the federal government.



*Carman Dominion
Post Office Building,
Carman*

Municipal Heritage Committee

The task of judging the potential sites to be designated as municipal heritage sites is an important one. In order to involve the community in the process and assist municipal councils in this task, the Act allows for a municipal council to establish, by way of by-law, a municipal heritage committee to advise the council on heritage matters.

At the same time, the local heritage committee could undertake, for the municipal council, a number of other heritage projects. One of the most useful of these would be the preparation of a detailed inventory of potential municipal heritage sites. This inventory and research on historic and prehistoric sites in the municipality would allow for careful evaluation and selection of those heritage sites, which are either representative examples or outstanding examples in the municipality and should be considered for protection under the Act.

The committee should be a balanced one, representing various

interests in the municipality. A suggested membership on the committee might include a member of the municipal council, a member of the business community, representatives from the local historical society and museum, local architects and planners and anyone else with a keen interest in the heritage of the area.

A sample by-law for the establishment of a municipal heritage committee is attached as Appendix B1 to this handbook.



*Marconi School, Marco district,
R.M. of Rosburn*

Criteria for the Designation of Heritage Sites

When assessing possible sites for designation, primary concern must be given to their heritage significance and their representative qualities. For provincial designation, the resource must be of significance to Manitoba's past. Similarly, municipally designated sites should reflect crucial elements of the heritage of a particular locality.

There are some general criteria that are common when evaluating heritage sites:

HISTORY AND CONTEXT – Is the site associated with a person, group or organization which has made a valuable contribution to either the province or the region? Is it associated with, and effectively

illustrative of, broad patterns of cultural, social, political, military, economic or industrial history?

EVENT – Did a noteworthy event occur on the property that has made a significant contribution to either the province, region or community?

LANDMARK – Is the site particularly important as a visual or historic landmark to the province, region or community?

ARCHITECTURE – For buildings, is it a notable, rare or early example of a particular style or construction type? Was it designed or constructed by a notable architect or builder?

INTEGRITY – Has the site been altered? For buildings, is it in good structural condition?

Types of sites often considered for municipal designation may include the following:

- schools
 - churches
 - town halls
- branch banks
 - commercial outlets
 - railway stations
 - farmsteads of early settlers
 - remnants of early trails
 - former townships
 - sites of fur trade posts
 - archaeological sites



*Anderson Barn, Forrest area,
R.M. of Elton*

The Designation Process

The municipal designation process established by *The Heritage Resources Act* offers a municipality the most effective opportunity to protect its historical inheritance. As designation involves property, it is necessary to ensure that the proposal is well publicized and that anyone with a concern about a proposed designation is accorded an opportunity to express that concern. With its clearly defined steps, *The Heritage Resources Act* ensures that concerns of property owners are fully considered.

The Act provides that certain documents used in the designation of municipal heritage sites are to be in a prescribed form. The forms, which are attached as Appendix A, are:

- Municipal Notice of Intent

- Municipal Heritage Notice
- Municipal Notice of Appeal

Other documents and formats to be used in the municipal designation process are left to the discretion of the municipality. Suggested samples and formats for these are attached as Appendix B.

The request for the consideration of a site as a municipal heritage site can come from a number of sources. It can be initiated by the municipal council, a member of the public, the owner of the property or by the municipal heritage committee. If not received from the municipal heritage committee, the council should refer the request to the committee for evaluation and a recommendation. The recommendations to the council from the committee could be either:

- a) That the site is of heritage significance to the locality and should be designated as a municipal heritage site;
- b) That the site is not of municipal significance and should not be designated; or
- c) That the site, due to its qualities and historical association, may be significant not just in the local context but to the province as a whole and, therefore, should be first referred to The Manitoba Heritage Council for evaluation to determine if the site should be designated as a provincial heritage site.

When a municipal council is satisfied that a site in the municipality has sufficient heritage significance and proposes to designate it as a municipal heritage site, the council must prepare a by-law to that effect and give it first reading (Appendix B2). After first reading, a Municipal Notice of Intent of the proposed designation (Appendix A1) and a copy of the proposed by-law must be served by personal service on the owner, any lessee of the affected property and on the Minister of Culture, Heritage and Tourism, c/o the Heritage Designation Officer, Historic Resources Branch. At the same time, the Notice of Intent must be published either into successive issues of a newspaper circulating in the area, or in single issues of two separate newspapers. Finally, the Notice must be filed in the appropriate land titles or registry office.

The Notice of Intent to designate must include, as a minimum:

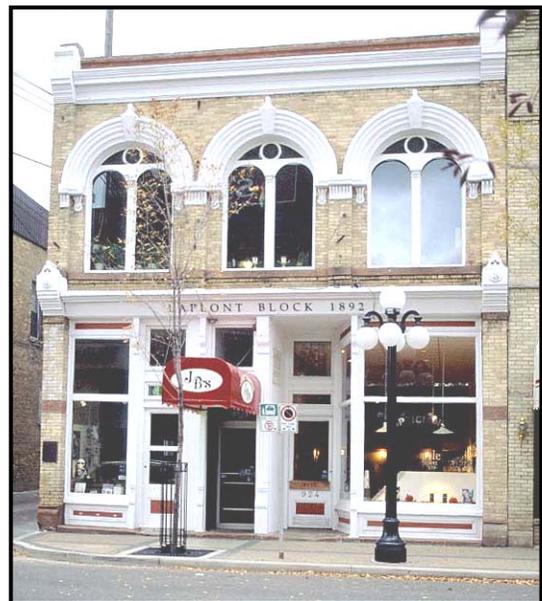
- a) A declaration by the municipal council that in its opinion the site is of sufficient heritage significance and that the council intends to designate it as a municipal heritage site; and
- b) A date, time and place for a hearing by the municipality to receive any objections and other representations with respect to the proposed by-law.

The date of the hearing must be no earlier than 21 days after the latest date of service of the Notice of Intent. Where no objections are raised to the proposed by-law at the public hearing, the municipal council may adopt the by-law after second and third reading, or may resolve not to proceed further with the proposed designation.

When a proposed designation by-law is adopted and the site is thus designated a municipal heritage site, the municipal council must serve a copy of a Municipal Heritage Notice (Appendix A2) on the owner, any lessee of the affected site and on the Minister, c/o the Heritage Designation Officer. The Notice must also be published in one issue of a newspaper and must be filed in the appropriate land titles or registry office.

Municipalities may, by way of by-law, on a case by case basis, require that Municipal Heritage Permits be obtained by the owner before a designated heritage site or a site under consideration for designation, can be damaged, removed, repaired or altered. The purpose of the Permit is to encourage that repairs or renovations are sympathetic to the architectural or historic qualities of a site.

Under the Act, an objection to a proposed designation, or an appeal of a designation, may be referred to The Municipal Board for consideration. Details of these processes are described later in this handbook.



LaPlont Block, Brandon

MUNICIPAL HERITAGE SITE DESIGNATION – WHERE NO OBJECTION

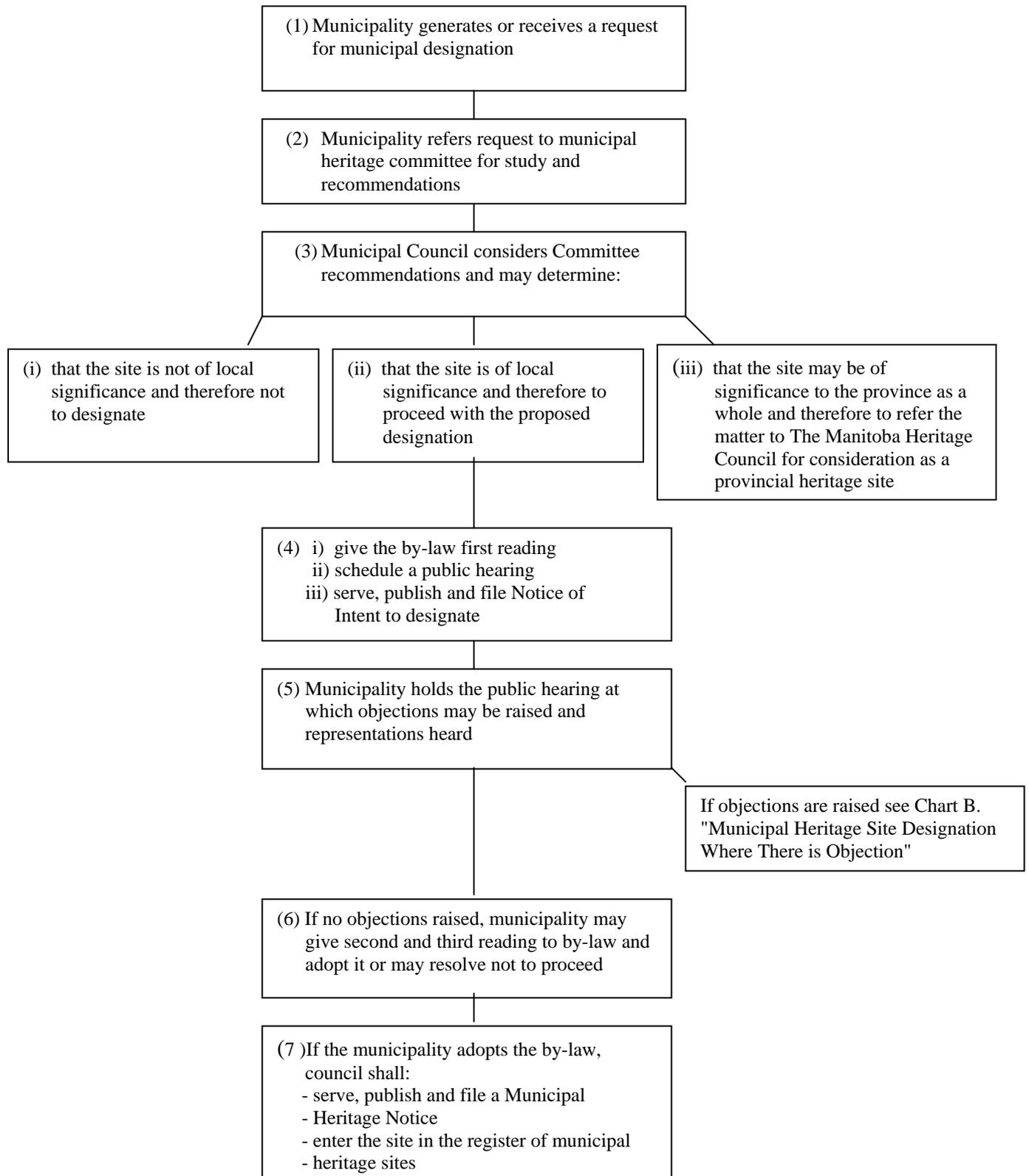


CHART A

Register of Municipal Heritage Sites

Because designated heritage sites are a matter of public interest, it is necessary for a municipality to maintain a register of such sites. The register must be available for public inspection and must include:

- a) the location of each site;
- b) a physical description of the site;
- c) a description of its significance;
- d) the date of designation; and
- e) the names and addresses of owners and lessees.

The register may, of course, contain any other relevant material, such as photographs, drawings or plans. A sample register page is attached as Appendix B4.

Similar to the register, where a municipality designates a municipal heritage site, or passes a resolution, or passes and adopts a proposed by-law dealing with a municipal heritage site or proposed municipal heritage site, it must advise the Minister, among others, by serving the Minister, c/o the Designation Officer, Historic Resources Branch, with a copy of the Municipal Heritage Notice or resolution or by-law.

Objection to Designation

The owner or lessee of the site, or any group, organization or individual can raise an objection to the proposed designation at the hearing (Appendix B3): If an objection is raised the council may either:

- a) resolve not to proceed with the designation; or
- b) amend the by-law in accordance with the objections, give it second and third reading and adopt it; or
- c) refer the matter to The Municipal Board which is established under *The Municipal Board Act*.

If the proposed designation is referred to The Municipal Board, the Board will set a date, time and place for a public hearing to receive objections and other representations concerning the proposed by-law. At least 21 days before the hearing The Municipal Board will:

- a) serve notice of the hearing upon the municipality, the Minister, c/o the Heritage Designation Officer, the owner and any lessee of the site and any parties who either objected to the designation or made representation at the earlier hearing;
- b) publish a copy of the notice of the hearing in two issues of a newspaper circulating in the area or in one issue of two separate newspapers.

After the hearing, The Municipal Board will prepare and submit to the municipality a report of its recommendations, with reasons. Upon receiving this report the municipality may:

- a) resolve not to proceed with the proposed designation by-law; or
- b) amend the proposed by-law, give it second and third reading and adopt it; or
- c) give second and third reading to the by-law and adopt it without amendment.

Then, in the same manner as a municipal heritage site is created if there is no objection, the council must serve a copy of the Municipal Heritage Notice on the owner, and any lessee of the affected site and on the Minister, c/o the Heritage Designation Officer. The notice must also be published in one issue of a newspaper and must be filed in the appropriate land titles or registry office.

MUNICIPAL SITE DESIGNATION WHERE THERE IS OBJECTION

Continued From Chart A - Municipal Heritage Site Designation Where No Objection

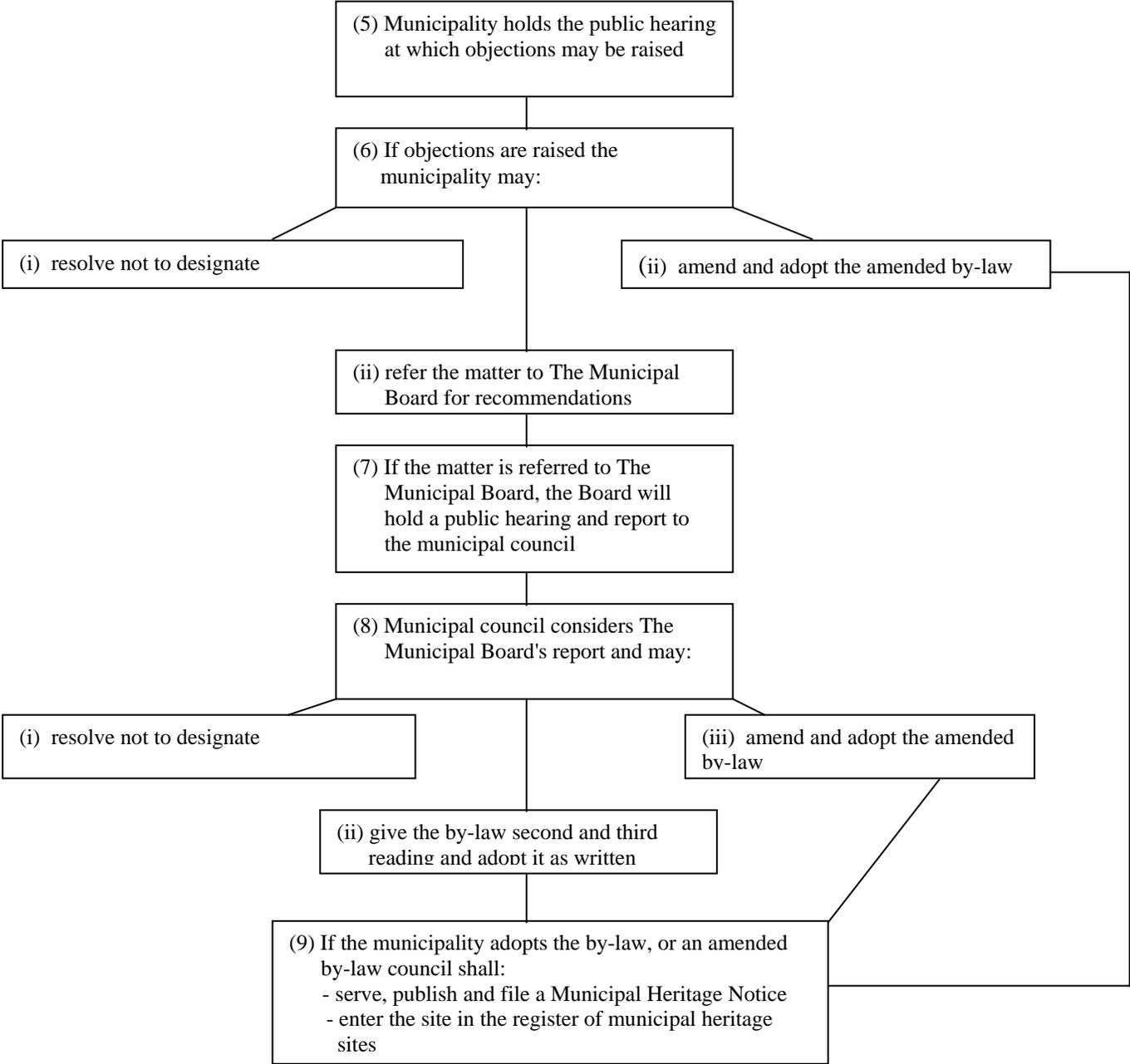


CHART B

What Does Designation Mean to An Owner

After a site has been designated as a municipal heritage site, the municipality may, by way of by-law, require that a Municipal Heritage Permit (Appendix B5) be obtained by the owner before the site can be altered, renovated, enlarged or developed. A potential municipal heritage site, for which a Notice of Intent has been issued by the council, is also afforded this protection until such time as it is in fact designated or it is determined that the site will not be designated. In the case of buildings, including the property surrounding the building, the purpose of the permits is not to limit renovations and improvements but, rather, to encourage that such work is sympathetic to the historic and architectural qualities of the site.

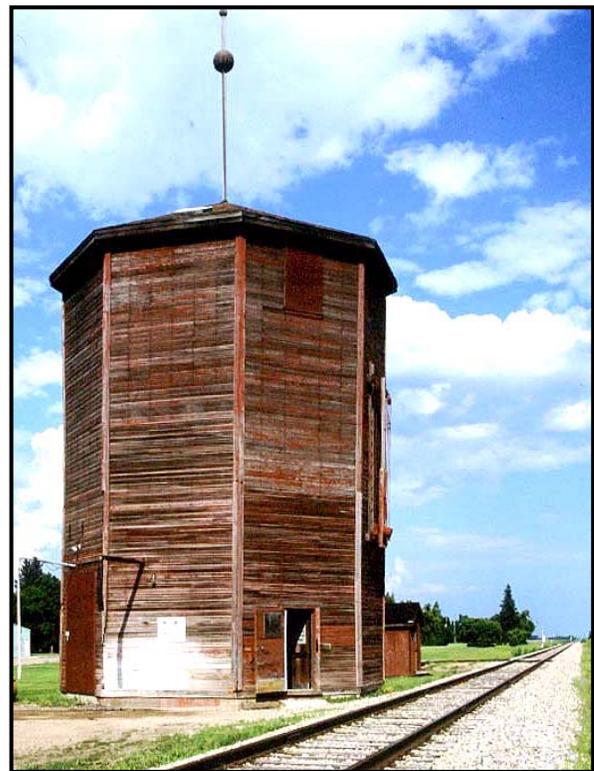
During the designation process itself or following passage of the municipal designation by-law, ownership of a municipal heritage site may be transferred. The owner of a proposed or designated heritage site must, prior to the transfer or sale, advise the interested party that the site is, or is under consideration as, a municipal heritage site. Prior to the sale, or as soon as possible afterward, the owner must also advise the Municipality of the transaction.

A municipality may acquire a heritage site as a gift, or through outright purchase, lease, exchange or expropriation. As owner of the site, the municipality has the right to sell, grant or lease the site to anyone, as long as any proposed developments are in accordance with the municipal designation by-law.

In order to assist in the sensitive preservation of municipal heritage buildings, Manitoba Culture, Heritage and Tourism, through the Historic Resources Branch, may

offer both technical advice as well as grant assistance for the restoration, stabilization, preservation and rehabilitation of municipally designated heritage buildings.

Further, when a site is municipally designated, a commemorative plaque describing its historic significance may be installed at the site.



*Glenboro Canadian Pacific
Water Tower, Glenboro*

Appealing a Designation

At any time after the adoption of the municipal designation by-law, the owner, the lessee of the municipal heritage site or any person or group, may appeal to the Municipal Council to have the by-law revoked if the new facts or new circumstances have arisen. The appeal must be commenced by a Notice of Appeal (Appendix A3). At least 30 days after the Notice of Appeal has been served upon the municipality and the Minister, c/o the Heritage Designation Officer, Historic Resources Branch, the council may:

- a) by way of by-law, revoke the original by-law; or
- b) refer the appeal to The Municipal Board for a hearing, report of findings and recommendations.

If the matter is referred to The Municipal Board, the council then has the same options as when The Municipal Board reports on an objection to a proposed designation. After receiving The Municipal Board's report and recommendations the council may either:

- a) by way of by-law, revoke or amend the original by-law; or
- b) by resolution confirm the by-law and dismiss the appeal.



Public School, Gimli

PROCESS FOR APPEALING A DESIGNATION

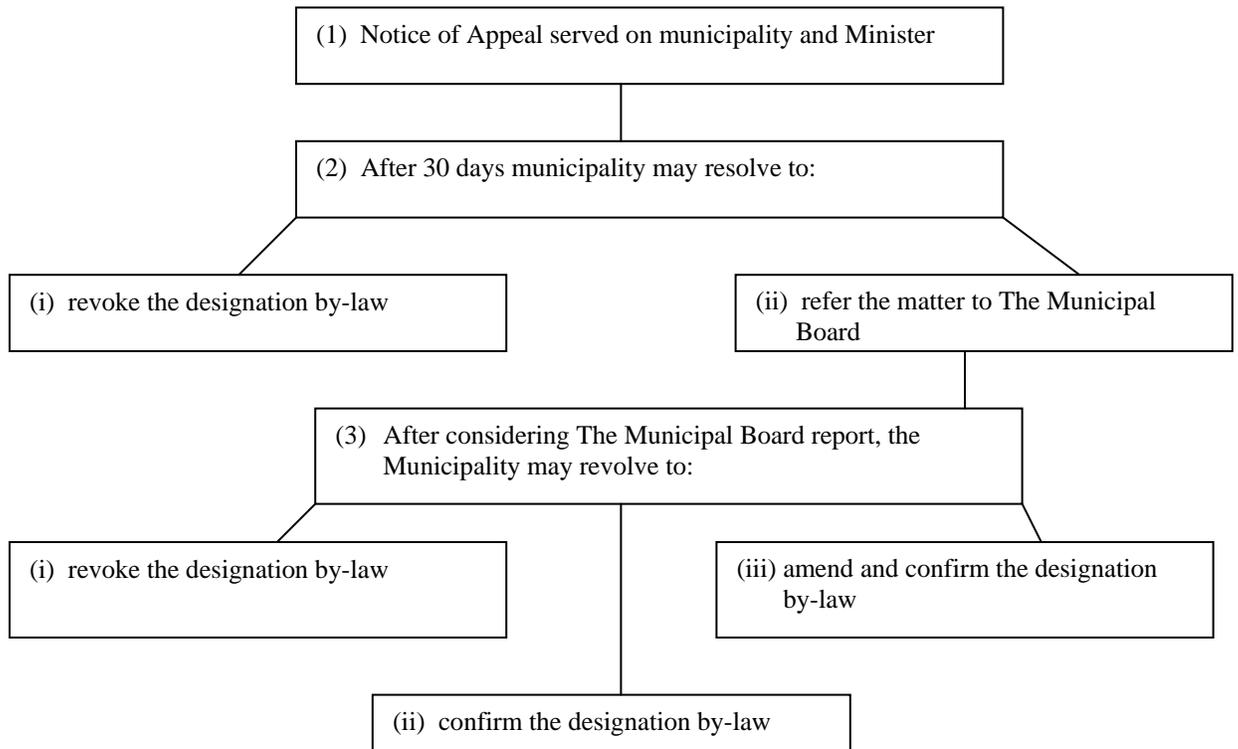


CHART C



City Hall, Portage la Prairie

Emergency Powers to Protect Threatened Heritage Sites

In order to protect a municipal heritage site or a site for which a Notice of Intent has been issued, the council is empowered to take steps to stop and remedy damaging work. In other words, if work is being undertaken either without a Municipal Heritage Permit or is not following the terms and conditions of the permit, the council may issue a written order requiring remedial action either immediately or within a set period of time. If this order is not followed, the council may apply for a court order from a judge or justice and this order may contain provision for the municipality to have workers, equipment and materials removed from the site and, if necessary, for the council to have work undertaken to repair a damaged site.

In extraordinary situations, should a threat to a site or building be critical, the council may have the workers, equipment and materials removed before obtaining a court order from a judge or justice. After receiving an order from a judge or justice the council may remedy any damage. The council may then subsequently apply through the courts to recover costs incurred

in both stopping work damaging these heritage sites and repairing the damage.

It is recommended that municipal administrators contact the Historic Resources Branch prior to designating a municipal heritage site to review the feasibility of the proposed designation as well as the eligibility requirements of the Heritage Building Grants Program.

For further information concerning the processes and forms for municipal heritage sites and *The Heritage Resources Act* contact:

**Historic Resources Branch
Culture, Heritage and Tourism
Main Floor, 213 Notre Dame Avenue
Winnipeg MB R3B 1N3
Phone: (204) 945-2118
Toll free in Manitoba: 1-800-282-8069,
extension 2118
Fax: (204) 948-2384
Website:
<http://www.gov.mb.ca/chc/hrb/index.html>
Email: hrb@gov.mb.ca**



*Berry House,
Reston*

Appendices

A number of the sections of Part III of *The Heritage Resources Act*, Designation of Municipal Heritage Sites, require that documents such as by-laws and notices be produced.

Series A of the appendices includes those forms prescribed under the Act. Prescribed forms are:

- Appendix A1 - Municipal Notice of Intent
- Appendix A2 - Municipal Heritage Notice
- Appendix A3 – Municipal Notice of Appeal

Series B provides samples of some of the forms that municipalities may use in drafting their own:

- Appendix B1 – By-law Establishing a Municipal Heritage Committee
- Appendix B2 – By-law Designating a Municipal Heritage Site

- Appendix B3 – Notice of Objection
- Appendix B4 – Municipal Register Page
- Appendix B5 – Municipal Heritage Permit

It is NOT mandatory that the forms in Series B of the Appendices be followed. MUNICIPALITIES ARE FREE TO DRAFT ALL NON-PRESCRIBED DOCUMENTS IN ANY ALTERNATIVE ACCEPTABLE FORM.

Other documents that will be required, but whose form is not prescribed under the Act are:

- By-law Requiring the Use of Municipal Heritage Permits;
- Referral to Municipal Board Regarding on Objection To or Appeal From a Designation;
- Municipal Stop Order.



Young House, R.M. of Victoria



The Heritage Resources Act (Section 26)

Municipal Notice of Intent

Form 12

TAKE NOTICE that on January 27, 2000,
(month, day, year)

the council of the Rural Municipality of Bison gave first reading to By-law 14/00
(name of municipality) (number)

to designate as a municipal heritage site under *The Heritage Resources Act*, the lands and premises commonly known as Crocus School, 96 - 3rd Street,
(name or address, or both name and address)

in the Village of Crocus. The land is
(city, town, rural municipality) (name)

described in Certificate of Title No. 12345 as follows:
(number)

In the Village of Crocus, in the Province of Manitoba, being Lot Twelve (12), in block Nine (9), which lot is shown on a Plan of Survey of Lots Eight (8) to Fifteen (15) of the Parish of Snowfall, registered in the Bison Land Titles Office as Plan No. 325.

a) A copy of the proposed By-law is attached. (**Note:** to appear in a Notice that is to be served or filed.)

or

b) A copy of the proposed By-law can be inspected at the Bison Municipal Office, in Bison, 9:00 a.m. to 5:00 p.m., Monday through Friday. (**Note:** to appear in a Notice that is to be published.)

A public hearing will be held at the Bison Municipal Office, 7:00 p.m., February 3, 2000
(time, month, day, year, location)

At that time, any person may submit an objection or other representation on the proposal. If there is no objection, council may resolve to adopt the proposed By-law, or not to proceed with it.

Dated at Bison, on January 29, 2000.

Clerk



The Heritage Resources Act (Subsection 33(2))

Municipal Heritage Notice (Municipality of Bison)

FORM 14

TAKE NOTICE THAT:

The site described as follows:

The lands and premises commonly known as The Crocus School, 96 - 34d Street, in the Village of Crocus, Province of Manitoba, and legally described in Certificate of Title No. 123345 as:

In the Village of Crocus, in the Province of Manitoba, being Lot Twelve (12), in Block Nine (9), which lot is shown on a Plan of Survey of Lots Eight (8) to Fifteen (15) of the Parish of Snowfall, registered in the Bison Land Titles Offices as Plan No. 325.

Of which the records of the Bison Land Titles Office show as owner:

John Jones, Manager, and Judy Jones, Doctor, both of the Village of Crocus in the Province of Manitoba, as joint tenants and not tenants in common.

and all the lands and buildings thereon, have been designated as a municipal heritage site to be protected under the authority of *The Heritage Resources Act* by Municipal By-law No. 14/00 of the Municipality of Bison, adopted on the 3rd day of July 2000.

AND FURTHER TAKE NOTICE THAT:

A copy of this Municipal Heritage Notice shall be filed in the appropriate land titles office or registry office, in accordance with the provisions of *The Heritage Resources Act*.

Dated at Bison, this 4th day of July 2000.

Clerk of the Municipality of

Bison



The Heritage Resources Act (Section 30)

Municipal Notice of Appeal

Form 13

APPELLANT INFORMATION

1. Name Smith Developers Inc.
2. Address 456 - 2nd Street, Crocus, Manitoba
3. Postal Code R0C 0C0 4. Telephone 123-4567
5. Status: Legal Owner _____ Lessee _____
 Affected Individual X Affected Organization _____
 Interested Individual _____ Interested Organization _____

SITE LOCATION

6. Street and Number 96 - 3rd Street

 Town Crocus, Manitoba R0C 0C0
 Or River Lot No. _____ Parish of _____
 Or _____ 1/4 Section _____ Township _____ Range _____
7. Legal Description of Site (as noted in Municipal Notice of Intent or at Land Titles Office)
In the Village of Crocus in the Province of Manitoba, being Lot Twelve (12) in Block Nine (9),
Which Lot is shown on a Plan of Survey of Lots Eight (8) to Fifteen (15) of the Parish of
Snowfall registered in the Land Titles Office of Bison as Plan No. 325.

REASONS FOR APPEAL

8. We Hereby Appeal By-Law No. 14/00, dated July 3, 2000 of the Municipality of Bison, in accordance with Sub-section 30 (1) of *The Heritage Resources Act*, for the following reasons:
Smith Developers Inc. would like to purchase the property in question to develop a \$500,000 commercial mall on the site. For the proposed project to be possible The Crocus School would have to be demolished.

Smith Developers, Inc.
9. Per: _____ 10. October 10, 2000
 (Signature) President (Date)
11. If the appeal is by an organization or a corporation, please complete the following declaration:
 I, Lorraine Smith, holding the position of President
 Hereby declare that I have the authority to sign this MUNICIPAL NOTICE OF APPEAL on behalf of Developers, Inc. by reason of the General By-laws of the
Company which empower the President to execute documents for the company
12. _____ 13. _____
 (Signature) (Date)
14. Name(s) and Address(es) of Co-Appellants (if applicable) _____

APPENDIX/SERIES B
SUGGESTED FORMATS FOR OTHER DOCUMENTS REQUIRED
BY THE HERITAGE RESOURCES ACT

APPENDIX B1

The Heritage Resources Act (Subsection 341[1])

Sample By-Law Establishing a Municipal Heritage Committee

To establish a Municipal Heritage Committee in and for the Rural Municipality of Bison the council of the Municipality of Bison in the Province of Manitoba, enacts as follows:

1. This by-law may be cited as the "Municipal Heritage Committee Establishment By-law."
2. A committee to be known as the "Municipal Heritage Committee" (hereinafter referred to as "the Committee") is hereby established pursuant to Section 34 (1) of *The Heritage Resources Act*.
3. The Committee shall consist of not fewer than 6 members, to be appointed at any regular meeting of the Council.
4. The Council may refer to the Committee for its consideration and advice, and the Committee may on its own initiative consider and advise the Council on any matter relating to the powers afforded to Council under the terms of *The Heritage Resources Act* and, in particular, the Committee may make recommendations to the Council respecting the designation of heritage buildings, structures, and lands as Municipal Heritage Sites, and the demolition, preservation, alteration, or renovation of those buildings, structures and lands.
5. The Council shall appoint one of the members of the Committee as the presiding member and another as the deputy presiding member.
6. The Committee may make rules governing its procedure.
7. A majority of the members of the Committee shall constitute a quorum.
8. All questions before any meeting of the Committee shall be decided by a majority of the members present including the presiding member and the presiding member shall have a deciding vote in the event of equality of votes.
9. The presiding member shall cause minutes of all meetings and proceedings of the Committee to be recorded in a book kept for the purpose and shall forthwith after the adoption by the Committee of such minutes sign and deliver the same to the Chief Administrative Officer of the Council.

DONE AND PASSED in open council this 22nd day of September, 2000.

SAMPLE BY-LAW DESIGNATING A MUNICIPAL HERITAGE SITE

Rural Municipality of _____
By-Law # _____/_____

Being a By-Law of the Municipality to designate the property commonly known as _____, situated in the Rural Municipality of _____, Manitoba as being a site of architectural or historic value.

WHEREAS Section 25 of *The Heritage Resources Act* authorizes the Council of a Municipality to enact by-laws to designate a municipal site as a municipal heritage site;

AND WHEREAS Section 34(1) of *The Heritage Resources Act* provides in part as follows:

A municipality may by by-law, provide for:

- (a) the protection of any municipal heritage site designated or proposed to be designated under this Part, by prohibiting any or all of the things set out in clauses 12(1)(a), (b) and (c), except pursuant to a municipal heritage permit issued by the municipality or by such other means as the municipality deems advisable;
- (b) the issue, suspension and cancellation of municipal heritage permits for the purposes of clause (a);

AND WHEREAS the Council of the Rural Municipality of _____ is satisfied that the building located on this property is of sufficient architectural, heritage or natural value or interest;

AND WHEREAS the Council of the _____ has caused to be served upon the Minister of Culture, Heritage and Tourism, c/o Heritage Designation Officer, Historic Resources Branch, Main Floor, 213 Notre Dame Avenue, Winnipeg, Manitoba, R3B 1N3, and upon the owners and lessees of the lands and premises commonly known as _____, located at _____, a Municipal Notice of Intent to so designate the aforesaid municipal site and has caused such Notice of Intent, stating the date, time and place for a hearing, not earlier than twenty-one (21) days after the last date of the service so prescribed the Act was made, to be held by the municipality to receive objections and other representations with respect to the proposed by-law, and has caused such Notice of Intent to be published in at least two (2) issues of a newspaper having general circulation in the municipality and having filed a copy of the Notice of Intent in the proper Land Titles or Registry Office.

AND WHEREAS no objection to the proposed designation has been served on the Clerk of the Municipality.

THEREFORE, the Council of the Rural Municipality of _____ enacts as follows:

1. The municipal site, commonly known as _____ and legally described in C.T. # _____ as _____, (in the name of _____), is hereby designated as a Municipal Heritage Site pursuant to *The Heritage Resources Act* of Manitoba;
2. The Chief Administrative Officer is hereby authorized to cause a copy of the Manitoba Heritage Notice in respect hereto to be served upon the Minister of Culture, Heritage and Tourism, in c/o Heritage Designation Officer, and upon the owners and lessees of the said Municipal Site, and to cause a copy of the Municipal Heritage Notice in respect hereto to be published in at least one (1) issue of a newspaper having general circulation in the Municipality.
3. The municipal site, commonly known as _____, is hereby protected by prohibiting any or all of the things set out in clauses 12(1)(1), (b) and (c) of *The Heritage Resources Act* except pursuant to a municipal heritage permit issued by the Municipality.

4. The Chief Administrative Officer is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule A hereto in the proper land registry office.

DONE AND PASSED in open council assembled at the Municipal Office at _____ in the Province of Manitoba this ___ day of _____ A.D. _____.

Reeve

Chief Administrative Officer

Read a FIRST time this ___ day of _____, A.D. _____

Read a SECOND time this ___ day of _____, A.D. _____

Read a THIRD time this ___ day of _____, A.D. _____

Certified a true and correct copy of By-law No. ___/_____ of the Rural Municipality of _____.

Chief Administrative Officer



The Heritage Resources Act (Subsection 5(1))

Notice of Objection

Form 2

INDIVIDUAL OR ORGANIZATION OBJECTING

- 1. Name Smith Developers Inc.
- 2. Address 456 - 2nd Street, Crocus, Manitoba
- 3. Postal Code ROC 0C0
- 4. Telephone _____
- 5. Status: Legal Owner _____ Lessee _____
 Affected Individual _____ Affected Organization _____
 Interested Individual _____ Interested Organization _____
 Other _____

SITE LOCATION

- 6. Street and Number 96 - 3rd Street
 Town Crocus, Manitoba ROC OCO
 or River Lot No. _____ Parish of _____
 or _____ 1/4 Section _____ Township _____ Range _____
- 7. Legal Description of Site (as noted in the Notice of Intent or at Land Titles Office) In the Village of Crocus in the Province of Manitoba, being Lot Twelve (12) in block Nine (9), which Lot is shown in a plan of Survey of Lots Eight (8) to Fifteen (15) of the Parish of Snowfall, registered in the Land Titles Office of Bison as Plan No. 325

NOTICE AND DESIGNATION DATES

- 8. Notice of Intent Served or published on 10th day of June 2000.
- 9. Intended Designation Date 3rd day of July 2000.

REASONS FOR OBJECTION

- 10. I/We hereby object to the proposed designation of the above described site as a heritage site to be protected under the authority of *The Heritage Resources Act*, for the following reasons: Smith Developers Inc. would like to purchase the property in question to develop a \$500,000 commercial mall on the site. For the proposed project to be possible The Crocus School would have to be demolished.

- 11. _____ 12. June 12, 2000
 (Signature) (Date)

- 13. If the objection is by an organization or a corporation, please complete the following declaration: I, Lorraine Smith, holding the position of President, hereby declare that I have the authority to sign this NOTICE OF OBJECTION on behalf of Smith Developers Inc., by reason of the General By-laws of the Company which empower the president to execute documents for the company.

- 14. _____ 15. June 12, 2000
 (Signature) (Date)

- 16. Name(s) and Address(es) of Co-Objectors (if applicable) Not Applicable

SAMPLE REGISTER PAGE

**Northfield School**

Wawanesa area, SW 22-7-16W

Designation Date: June 13, 1995

Designation Authority: The R.M. of South Cypress

Present Owner: privately owned

Settlers in the area just east of Wawanesa established a school district in the spring of 1882 and by June a one-room school had been erected. Like many others throughout the province, the building was of modest size and architectural appointments. Indeed, it is only the band of windows along one side—used to reduce glare inside—that distinguishes the building as a school. An early student here was Nellie McClung, the famous suffragette, author and politician. She also taught at the school briefly, in 1896.

The first Northfield School was destroyed by fire in 1933, but was rebuilt according to the original design, this time with a basement. The school was sold to the Town of Wawanesa after it closed in 1960. The building is now owned by the Northfield Community Club and is used for a variety of social functions.

THE HERITAGE RESOURCES ACT (Subsection 34[1])**Sample Municipal Heritage Permit No. 1/00**PURSUANT to Subsection 34 (1) of *The Heritage Resources Act*:

Name: John Jones and Judy Jones
 Address: 10 - 7th Street
 Crocus, Manitoba ROC OCO

(hereinafter referred to as "the Permittee"),

is hereby granted permission to: 1) convert interior of The Crocus School for use as a day care facility; remove non-load bearing walls; add new partitions; insulate walls; install kitchen and washrooms. 2) reshingle the roof using wood shingles.

during the period: July 31 to October 31, 2000

This permit is issued subject to the following conditions:

- (1) That the information provided in the application for this permit dated the _____ 24th _____ day of _____ July _____, 2000, is true in substance and in fact;
- (2) That the Permittee shall comply with all the provisions of *The Heritage Resources Act* and any regulations or orders thereunder;
- (3) That the Permittee shall provide to the municipality a written report or reports with respect to the Permittee's activities pursuant to this permit, the form and content of which shall be satisfactory to the municipality and which shall be provided on the following dates:

November 30, 2000
- (4) That this permit is not transferable;
- (5) This permit may be revoked by the municipality where, in the opinion of the municipality, there has been a breach of any of the terms or conditions herein or of any provision of *The Heritage Resources Act* or any regulations thereunder.
- (6) **Special Conditions:** A. If any change is proposed to the work as outlined above, the Permittee must first give notice to the Crocus Municipal Heritage Committee which will determine that the change either (1) affects the nature of specifications of the proposed work, thus requiring a new heritage permit or (2) is minor in nature and will be considered by the Committee. B. In particular, with respect to this project: (1) the pressed metal ceiling and existing wood doors and trim be retained and reused on any interior development; (2) the exterior not be altered other than to replace shingling; (3) the shingles be installed to match pattern shown in archival photographs from 1905 - 1910 period.

Dated at _____ Crocus _____, this 24th day of _____ July _____, 2000.

 Clerk of the Municipality of:
 Bison