

1993

CHAPTER 26

An Act to amend *The Heritage Property Act*

(Assented to May 21, 1993)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Heritage Property Amendment Act, 1993*.

S.S. 1979-80, c.H-2.2 amended

2 *The Heritage Property Act* is amended in the manner set forth in this Act.

Section 2 amended

3 **Section 2 is amended:**

(a) **by repealing clause (g);**

(b) **by repealing clause (i) and substituting the following clause:**

“(i) **`heritage property'** means:

(i) archaeological objects;

(ii) palaeontological objects;

(iii) any property that is of interest for its architectural, historical, cultural, environmental, archaeological, palaeontological, aesthetic or scientific value; and

(iv) any site where any object or property mentioned in subclauses (i), (ii) or (iii) is or may reasonably be expected to be found”;

(c) **by adding the following clauses after clause (k):**

“(k.1) **`Municipal Heritage Conservation District'** means a municipality or any area of a municipality designated pursuant to clause 11(1)(b);

“(k.2) **`Municipal Heritage Property'** means any real property designated pursuant to clause 11(1)(a)”;

(d) **by repealing clause (n) and substituting the following clauses:**

“(n) **`owner'** means:

(i) with respect to real property, a person who has an estate or interest in the property as shown on the certificate of title for the property in the land titles office;

(ii) with respect to personal property, a person who has an estate or interest in the property;

“(n.1) **`palaeontological object'** means a fossil of a vertebrate animal or a macroscopic fossil of an invertebrate animal or plant that lived in the geological past, but does not include:

(i) a fossil fuel and fossiliferous rock intended for industrial use; or

(ii) any form, in addition to those mentioned in subclause (i), of a preserved remain or trace of a multicellular organism that may be prescribed in the regulations;

“(n.2) **`Provincial Heritage Property'** means any property designated pursuant to subsections 39(1), 45(1) or 55(1);

“(n.3) **`registered owner'** means the registered owner as shown on the certificate of title for the property in the land titles office;

“(n.4) **`registrar'** means the person appointed pursuant to clause 3(1)(e.1)”;

(e) **by repealing clause (r).**

Section 3 amended

4 Subsection 3(1) is amended:

(a) by repealing clauses (b), (c) and (d) and substituting the following:

“(b) sell, exchange, donate or otherwise dispose of, on any terms that the minister considers appropriate, any heritage property that was acquired by the Crown pursuant to this Act or *The Saskatchewan Heritage Act*, or that is otherwise under the minister's administration, except:

(i) subject to clause (b.1), any archaeological object; and

(ii) any palaeontological object that is not prescribed in the regulations or that belongs to a category not prescribed in the regulations for the purposes of this subclause;

“(b.1) exchange, donate or otherwise transfer ownership, except by sale, on any terms the minister considers appropriate, any archaeological object that was acquired by the Crown pursuant to this Act or *The Saskatchewan Heritage Act*, or that is otherwise under the minister's administration;

“(b.2) lease, licence, loan or otherwise transfer possession, except through the transfer of ownership, on any terms that the minister considers appropriate, any heritage property that was acquired by the Crown pursuant to this Act or *The Saskatchewan Heritage Act*, or that is otherwise under the minister's administration;

“(b.3) determine the fee, royalty or price, if any, for any disposition or class of dispositions that may be made pursuant to clause (b), (b.1) or (b.2);

“(c) exhibit and display, within or outside Saskatchewan, any heritage property that was acquired by the Crown pursuant to this Act or *The Saskatchewan Heritage Act*, or that is otherwise under the minister's administration;

“(d) set any rate or fee for admission by the public to enter or view any heritage property that was acquired by the Crown pursuant to this Act or *The Saskatchewan Heritage Act*, or that is otherwise under the minister's administration”; **and**

(b) by adding the following clauses after clause (e):

“(e.1) appoint a person as registrar to receive notices, bylaws and orders made pursuant to this Act and to maintain the register mentioned in clause (e);

“(e.2) specify the form of any notice required pursuant to this Act”.

New section 3.1

5 The following section is added after section 3:

Access restricted

“3.1 The minister may restrict or prohibit access by any person to heritage property records or information, including any record or information maintained pursuant to clause 3(1)(e) or subsection 66.2(3), where the minister is of the opinion that these measures are necessary to conserve or prevent loss of or damage to heritage property”.

Section 7 amended

6 Subsection 7(4) is repealed.

New Part III

7 Part III is repealed and the following substituted:

“PART III

“**Designation of Properties by Municipalities**”

Interpretation

8 In this Part:

(a) `applicant' means a person who, pursuant to section 13, 19, 21, 25 or 31, objects to a decision or proposal of a council;

(b) `demolition' includes removal of a structure from the location on which it existed at the time of its designation pursuant to this Part;

- (c) **'designated property'** means:
- (i) any Municipal Heritage Property; or
 - (ii) any property within a Municipal Heritage Conservation District;
- (d) **'Heritage Conservation District notice'** means a notice to be registered by a municipality in a land titles office, in a form specified by the minister, that the property to which the notice relates is located in a Municipal Heritage Conservation District or is located in an area that may be designated as a Municipal Heritage Conservation District;
- (e) **'municipal official'** means:
- (i) the clerk or administrator of an urban municipality;
 - (ii) the clerk or administrator of a northern municipality;
 - (iii) the administrator of a rural municipality; or
 - (iv) any person authorized by the minister responsible for *The Northern Municipalities Act* with respect to the district as defined in that Act;
- (f) **'notice of designation'** means a notice by a municipality, in a form specified by the minister, that the property to which the notice relates has been designated as a Municipal Heritage Property or that the property to which the notice relates is located in a Municipal Heritage Conservation District;
- (g) **'notice of intention'** means a notice by a municipality, in a form specified by the minister, of its intention to pass, amend or repeal a bylaw designating Municipal Heritage Property or a Municipal Heritage Conservation District;
- (h) **'objection'** means a written objection made pursuant to section 13, 19, 21, 25 or 31;
- (i) **'property'** means any real property.

Register

- 9(1) The municipal official of a municipality shall keep a register of all designated property in the municipality.
- (2) The register mentioned in subsection (1), with respect to Municipal Heritage Property, is to contain:
- (a) an accurate legal description of that property;
 - (b) where the property is within an urban municipality, the civic address;
 - (c) the name and address of the registered owner of the property; and
 - (d) the reason for the designation.
- (3) The register mentioned in subsection (1), with respect to property within a Municipal Heritage Conservation District, is to contain:
- (a) an accurate legal description of the property within that District;
 - (b) the civic boundaries of that District;
 - (c) the name and address of the registered owner of each property within the District; and
 - (d) the reason for the designation.
- (4) The municipal official shall issue copies from the register to any person on payment of a fee determined by municipal bylaw.

Municipal Heritage Advisory Committee

- 10(1) Any council, by bylaw, may establish a Municipal Heritage Advisory Committee to advise and assist the council on any matters arising out of this Act or the regulations.
- (2) A Municipal Heritage Advisory Committee is to consist of at least three members appointed by the council.
- (3) The councils of a number of municipalities, by bylaw of each of those municipalities, may establish a joint Municipal Heritage Advisory Committee to advise those municipalities on any matters arising out of this Act or the regulations.

Designation of property

- 11(1) Notwithstanding anything in *The Planning and Development Act, 1983*, any council, by bylaw and on any terms and conditions that the council considers advisable, may designate:

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- (a) as a Municipal Heritage Property, any heritage property that is not subject to any other designation pursuant to this Act;
 - (b) as a Municipal Heritage Conservation District, all or any part of the council's municipality that contains or may reasonably be expected to contain heritage property that is not subject to any other designation pursuant to this Act.
- (2) Prior to passing a bylaw to designate a Municipal Heritage Property or a Municipal Heritage Conservation District, the council shall:
- (a) consult with its Municipal Heritage Advisory Committee, if one has been established;
 - (b) serve the registrar and all owners of property included in the proposed bylaw with a notice of intention;
 - (c) publish a notice of intention in at least one issue of a newspaper in general circulation in the municipality;

- (d) in the case of a bylaw to designate Municipal Heritage Property, register a notice of intention against all property included in the proposed bylaw in the appropriate land titles office; and
 - (e) in the case of a bylaw to designate a Municipal Heritage Conservation District, register a Heritage Conservation District notice against all property included in the proposed bylaw in the appropriate land titles office.
- (3) The council, at any time prior to passing a proposed bylaw, may withdraw it, and after withdrawing it shall:
- (a) notify the registrar and all owners of property included in the proposed bylaw of the council's decision;
 - (b) in the case of a bylaw to designate Municipal Heritage Property, discharge the notice of intention registered pursuant to clause (2)(d) against that property in the land titles office; and
 - (c) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge the Heritage Conservation District notice registered pursuant to clause (2)(e) against that property in the land titles office.
- (4) Notwithstanding any provision of *The Planning and Development Act, 1983*, any council, by bylaw, may establish any guidelines and controls that the council considers necessary to preserve and develop the heritage characteristics of designated property, including:
- (a) design elements of existing and proposed buildings and structures;
 - (b) street and sidewalk designs;
 - (c) street furniture, lighting and public signs;
 - (d) commercial and private signs; or
 - (e) landscaping.

Content of bylaw

- 12(1) A bylaw to designate a Municipal Heritage Property or a Municipal Heritage Conservation District is to be voted on in a regular or special meeting of the council not less than 30 days from the date of the last service, publication or registration of the notices required pursuant to clause 11(2).
- (2) The bylaw to be voted on must contain:
- (a) an accurate legal description of all property included in the bylaw;
 - (b) where the property is within an urban municipality and is to be designated as a Municipal Heritage Property, the civic address;

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- (c) where the property is within an urban municipality and is to be designated as part of a proposed Municipal Heritage Conservation District, the civic boundaries of that District; and
 - (d) the reasons for the designation.
- (3) After passing the bylaw mentioned in subsection (1) the council shall:
- (a) serve the registrar with a certified copy of the bylaw;
 - (b) serve a notice of designation on all owners of property included in the bylaw; and
 - (c) in the case of a bylaw to designate Municipal Heritage Property, register, in the appropriate land titles office, a notice of designation against all property included in the bylaw.
- (4) Registration of the notice mentioned in clause (3)(c) in the appropriate land titles office is deemed to be a discharge of the notice of intention for that property registered pursuant to clause 11(2)(d).

Objection to proposed designation

- 13(1) Any applicant who wishes to object to the proposed designation of a Municipal Heritage Property or a Municipal Heritage Conservation District shall serve the council with an objection stating the reason for the objection and all relevant facts.
- (2) The applicant shall serve the objection at least three days prior to the council meeting mentioned in subsection 12(1).
- (3) On receipt of an objection pursuant to subsection (1), the council shall:
- (a) refer the matter to the review board for a hearing pursuant to section 14 and a report pursuant to section 15 and notify the applicant of the referral; or
 - (b) withdraw the proposed bylaw.
- (4) Where, in response to an objection or for any other reason, the council withdraws a proposed bylaw, the council shall:
- (a) in the case of a bylaw to designate Municipal Heritage Property, discharge the notice of intention registered in the land titles office against that property pursuant to clause 11(2)(d);
 - (b) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge the Heritage Conservation District notice registered in the land titles office against that property pursuant to clause 11(2)(e); and

- (c) notify the following of the withdrawal:
 - (i) all owners of property included in the proposed bylaw;
 - (ii) the registrar; and
 - (iii) the applicant.

Hearing before review board

- 14(1) Where a matter is referred to the review board pursuant to section 13, 19, 21, 25 or 31, the review board shall, as soon as is practicable, hold a public hearing to consider that matter.
- (2) The council, the applicant and any other person that the review board may specify are parties to the public hearing and are entitled to notice of the hearing.
- (3) The review board has all the powers that are conferred on commissioners pursuant to *The Public Inquiries Act*.
- (4) The review board shall:
 - (a) determine the place in the municipality where the hearing will be held;
 - (b) publish, at least 10 days prior to the date of the hearing, the date, time and location of the hearing in a newspaper having general circulation in the municipality.

Report of review board

- 15(1) Within 30 days after a hearing pursuant to subsection 14(1), the review board shall submit a report to the council stating:
 - (a) its findings of fact;
 - (b) its recommendations with respect to the objection; and
 - (c) any information or knowledge it has taken into account in reaching its recommendations.
- (2) The review board shall send to the parties to the hearing a copy of the review board's report mentioned in subsection (1).
- (3) Failure of the review board to report within the time specified in subsection (1) does not invalidate the hearing or the report.

Council to consider report

- 16(1) On receipt and consideration of the review board's report on a matter referred to the review board pursuant to subsection 13(3), the council may:
 - (a) pass the bylaw notwithstanding the objection; or
 - (b) consent to the objection and withdraw or modify the proposed bylaw.

- (2) Where, after considering the review board's report, the council withdraws a proposed bylaw, the council shall:
- (a) in the case of a bylaw to designate Municipal Heritage Property, discharge the notice of intention registered in the land titles office against that property pursuant to clause 11(2)(d);
 - (b) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge the Heritage Conservation District notice registered in the land titles office against that property pursuant to clause 11(2)(e); and
 - (c) notify the following of the withdrawal:
 - (i) all owners of property included in the proposed bylaw;
 - (ii) the registrar; and
 - (iii) the applicant.
- (3) Where, after considering the review board's report, the council modifies a proposed bylaw and that modification removes any property from the proposed bylaw, the council shall:
- (a) in the case of a bylaw to designate Municipal Heritage Property, discharge the notice of intention registered in the land titles office against that property pursuant to clause 11(2)(d);
 - (b) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge the Heritage Conservation District notice registered in the land titles office against that property pursuant to clause 11(2)(e); and
 - (c) notify the following of the modification:
 - (i) all owners of property removed from the proposed bylaw;
 - (ii) the registrar; and
 - (iii) the applicant.
- (4) Where the council passes the bylaw after considering the review board's report, the council shall notify the applicant of the decision and the applicant shall not serve another objection with respect to the same property until the expiration of one year from the date of service of the original objection unless the council consents to a shorter period.

Repeal or amendment of bylaw

17(1) Notwithstanding any provision of *The Planning and Development Act, 1983*, any council, by bylaw and on any terms and conditions that the council considers appropriate, may repeal or amend any bylaw passed pursuant to section 11.

(2) Prior to repealing a bylaw passed pursuant to subsection 11(1) or amending a bylaw to add property to or remove property from the designation, the council shall:

- (a) consult with its Municipal Heritage Advisory Committee, if one has been established;
- (b) serve the registrar and all owners of property included in the proposed repeal or amendment with a notice of intention;
- (c) publish a notice of intention in at least one issue of a newspaper in general circulation in the municipality;
- (d) where an amendment would add Municipal Heritage Property to the designation, register a notice of intention against that property in the appropriate land titles office; and
- (e) where an amendment would add property to a Municipal Heritage Conservation District, register a Heritage District Conservation notice against that property in the appropriate land titles office.

Content of repealed or amended bylaw

18(1) A bylaw to repeal or amend a bylaw passed pursuant to subsection 11(1) is to be voted on in a regular or special meeting of the council not less than 30 days from the date of the last service, publication or registration of the notices required pursuant to subsection 17(2).

(2) The bylaw to be voted on must contain:

- (a) an accurate legal description of all property included in the repeal or amendment;
- (b) where the property is within an urban municipality and is to be added to or removed from a Municipal Heritage Property designation, the civic address;
- (c) where the property is within an urban municipality and is to be added to or removed from a Municipal Heritage Conservation District, the civic boundaries of the area to be added to or removed from that District; and
- (d) the reasons for the repeal or amendment.

(3) After passing the amendment or repealing the bylaw, the council shall:

- (a) serve the registrar with a certified copy of the amending or repealing bylaw;
- (b) serve a notice of designation on all owners of property included in the amending bylaw and notify all owners of property where the designation has been repealed;
- (c) where an amendment has the effect of adding Municipal Heritage Property to the designation, register in the appropriate land titles office, a notice of designation against that property; and
- (d) where an amendment or repeal has the effect of removing property from the designation:
 - (i) in the case of an amendment or repeal concerning Municipal Heritage Property, discharge the notice of designation registered in the land titles office against that property pursuant to clause 12(3)(c); and
 - (ii) in the case of an amendment or repeal concerning property in a Municipal Heritage Conservation District, discharge the Heritage District Conservation notice registered in the land titles office against that property pursuant to clause 11(2)(e).

(4) Registration of the notice mentioned in clause (3)(c) in the appropriate land titles office is deemed to be a discharge of the notice of intention for that property registered pursuant to clause 17(2)(d).

Objection to repeal or amendment of bylaw

19(1) Any applicant who wishes to object to a proposed repeal or amendment of a bylaw pursuant to section 17 to add property to or remove property from the designation shall serve the council with an objection stating the reason for the objection and all relevant facts.

(2) The applicant shall serve the objection at least three days prior to the council meeting mentioned in subsection 18(1).

(3) On receipt of an objection pursuant to subsection (1), the council shall:

- (a) refer the matter to the review board for a hearing pursuant to section 14 and a report pursuant to section 15 and notify the applicant of the referral; or
- (b) withdraw the proposed repeal or amendment of the bylaw.

- (4) Where, in response to an objection, or for any other reason, the council withdraws a proposed repeal or amendment of a bylaw, the council shall:
- (a) in the case of a proposed amendment concerning Municipal Heritage Property, discharge the notice of intention, if any, registered in the land titles office against that property pursuant to clause 17(2)(d);
 - (b) in the case of a proposed amendment concerning property proposed to be added to a Municipal Heritage Conservation District, discharge the Heritage Conservation District notice, if any, registered in the land titles office against that property pursuant to clause 17(2)(e); and
 - (c) notify the following of the withdrawal:
 - (i) all owners of property included in the proposed repeal or amendment of the bylaw;
 - (ii) the registrar; and
 - (iii) the applicant.

Council to consider report

- 20(1) On receipt and consideration of the review board's report on a matter referred to the review board pursuant to subsection 19(3), the council may:
- (a) pass the proposed repeal or amendment notwithstanding the objection; or
 - (b) consent to the objection and withdraw or modify the proposed repeal or amendment.
- (2) Where, after considering the review board's report, the council withdraws a proposed repeal or amendment, the council shall:
- (a) in the case of a proposed amendment concerning Municipal Heritage Property, discharge the notice of intention, if any, registered in the land titles office against that property pursuant to clause 17(2)(d);
 - (b) in the case of a proposed amendment concerning property proposed to be added to a Municipal Heritage Conservation District, discharge the Heritage District Conservation notice, if any, registered in the land titles office against that property pursuant to clause 17(2)(e); and
 - (c) notify the following of the withdrawal:
 - (i) all owners of property included in the proposed repeal or amendment;
 - (ii) the registrar; and
 - (iii) the applicant.
- (3) Where, after considering the review board's report, the council modifies a proposed repeal or amendment and that modification removes property from the proposed repeal or amendment, the council shall:
- (a) in the case of a modification concerning Municipal Heritage Property, discharge the notice of intention, if any, registered in the land titles office against that property pursuant to clause 17(2)(d);
 - (b) in the case of a modification concerning property proposed to be added to a Municipal Heritage Conservation District, discharge the Heritage District Conservation notice, if any, registered in the land titles office against that property pursuant to clause 17(2)(e); and
 - (c) notify the following of the modification:
 - (i) all owners of property removed from the proposed repeal or amendment;
 - (ii) the registrar; and
 - (iii) the applicant.

(4) Where the council passes the proposed repeal or amendment after considering the review board's report, the council shall notify the applicant of the decision and the applicant shall not serve another objection with respect to the same property until the expiration of one year from the date of service of the original objection unless the council consents to a shorter period.

Objection re bylaw

21(1) Subject to subsection (2), any applicant who wishes to object to a bylaw passed pursuant to subsection 11(1) or a bylaw passed pursuant to subsection 17(1) that amends or repeals a bylaw passed pursuant to subsection 11(1) shall serve the council with an objection stating the reason for the objection and all relevant facts.

(2) No applicant shall make an objection pursuant to subsection (1) until the expiration of six months from the date on which the bylaw was passed.

(3) On receipt of an objection pursuant to subsection (1), the council shall:

(a) refer the matter to the review board for a hearing pursuant to section 14 and a report pursuant to section 15; or

(b) repeal or amend the bylaw in accordance with sections 17 and 18.

Council to consider report

22(1) On receipt and consideration of the review board's report on a matter referred to the review board pursuant to subsection 21(3), the council may:

(a) deny the objection; or

(b) consent to the objection and repeal or amend the bylaw in accordance with sections 17 and 18.

(2) Where the council denies an objection pursuant to subsection (1), the council shall notify the applicant of the decision and the applicant shall not serve another objection with respect to the same property until the expiration of one year from the date of service of the original objection unless the council consents to a shorter period.

Alteration of designated property, etc.

23(1) Notwithstanding any other Act or law, no person shall alter, restore, repair, disturb, transport, add to, change or move, in whole or in part, or remove any fixtures from, without the written approval of the council of the municipality in which the property is situated, any:

(a) designated property;

(b) property for which a notice of intention has been registered pursuant to clause 11(2)(d) or 17(2)(d) within 120 days of the registration of that notice;

(c) property for which a Heritage District Conservation notice has been registered pursuant to clause 11(2)(e) or 17(2)(e) within 120 days of the registration of that notice; or

(d) building, structure or work on any property mentioned in clauses (a) to (c).

(2) Subject to subsection (3), an owner of any property, building, structure or work to which subsection (1) applies may apply to the council of the municipality in which the property is situated for approval to do any of the activities mentioned in subsection (1) with respect to that property, building, structure or work.

(3) An application pursuant to subsection (2) shall be accompanied by a detailed plan:

(a) explaining the nature of the activities for which the approval is requested;

(b) showing the outcome of the activities for which the approval is requested on a scaled drawing; and

(c) containing any other information that the council may require.

(4) The council shall:

(a) consider an application pursuant to subsection (2); and

(b) within 30 days from the date of receipt of the application, cause notice of its decision to be served on the person making the application.

(5) The council, by general or specific bylaw, may delegate any of the powers and duties mentioned in this section to:

- (a) a committee of the council;
 - (b) the council's administration; or
 - (c) the Municipal Heritage Advisory Committee, if one has been established.
- (6) If powers and duties are delegated pursuant to subsection (5), the committee of the council, the council's administration or the Municipal Heritage Advisory Committee, as the case may be, may exercise those powers and shall perform those duties in the same manner and with the same effect as if they were exercised or performed by the council.
- (7) The failure by a council to pass a bylaw designating Municipal Heritage Property or a Municipal Heritage Conservation District within the time period mentioned in clause (1)(b) does not invalidate the notification process mentioned in subsection 11(2) or 17(2).

Demolition of designated property, etc.

- 24(1) Notwithstanding any other Act or law, no person shall demolish or destroy, in whole or in part, without the written approval of the council of the municipality in which the property is situated, any:
- (a) designated property;
 - (b) property for which a notice of intention has been registered pursuant to clause 11(2)(d) or 17(2)(d) within 120 days of the registration of that notice;

- (c) property for which a Heritage District Conservation notice has been registered pursuant to clause 11(2)(e) or 17(2)(e) within 120 days of the registration of that notice; or
 - (d) building, structure or work on the property mentioned in clauses (a) to (c).
- (2) An owner of any property, building, structure or work to which subsection (1) applies may apply to the council of the municipality in which the property is situated for approval to demolish or destroy that property, building, structure or work.
- (3) After consultation with its Municipal Heritage Advisory Committee, if one has been established, the council shall:
- (a) consider an application pursuant to subsection (2); and
 - (b) within 30 days from the date of receipt of that application, cause notice of its decision to be served on the person making the application.
- (4) The failure by a council to pass a bylaw designating Municipal Heritage Property or a Municipal Heritage Conservation District within the time period mentioned in clause (1)(b) does not invalidate the notification process mentioned in subsection 11(2) or 17(2).

Objection to denial of application

- 25(1) Any applicant who wishes to object to a council's denial of an application pursuant to section 23 or 24 shall serve the council with an objection stating the reason for the objection and all relevant facts.
- (2) On receipt of an objection pursuant to subsection (1), the council shall:
- (a) refer the matter to the review board for a hearing pursuant to section 14 and a report pursuant to section 15 or consent to the objection and approve the application; and
 - (b) notify the applicant accordingly.
- (3) Where a matter is referred to the review board pursuant to subsection (2), on receipt and consideration of the report of the review board, the council:
- (a) may deny the objection or consent to the objection and approve the application; and
 - (b) shall notify the applicant of the decision.
- (4) Where the council denies an objection pursuant to subsection (3), the applicant shall not serve another objection with respect to the same property, building, structure or work until the expiration of one year from the date of service of the original objection unless the council consents to a shorter period.

Notice by registrar of land titles

26(1) Where there is a change in the registered ownership of designated property, the registrar of the land titles office of the land registration district in which the property is situated shall cause written notice of the change to be given:

- (a) to the municipality in which the property is situated; and
- (b) to the registrar.

(2) The notice mentioned in subsection (1) shall contain the name and address of the new registered owner of the property.

Delegation

27 A council, by annual bylaw, may delegate its powers pursuant to this Part to another municipality.

Powers of municipality

28 By general or specific bylaw or by resolution, a council may:

- (a) notwithstanding any provision of *The Urban Municipality Act, 1984* or *The Rural Municipality Act, 1989*, provide any form of grant, loan, tax relief or any other form of assistance that the council considers appropriate to any person, agency, organization, association, institution or body within or outside Saskatchewan with respect to heritage property or with respect to the development or appreciation of heritage resources;
- (b) include, in its annual budget, provision for municipal heritage conservation and assistance;
- (c) make rules with respect to the criteria and procedures for the designation of property that are not otherwise provided for in this Act;
- (d) enter into any agreement respecting the co-ordination, preservation, study, interpretation and promotion of appreciation of the heritage property in the municipality with:
 - (i) on the written approval of the minister, the Government of Canada or the government of any other province or the government of any other country or state; or
 - (ii) any person, agency, organization or association;
- (e) deny any permit for alteration or demolition of property, for not more than 60 days, where the council considers that the property is property that the council may wish to designate as a Municipal Heritage Property or include in a Municipal Heritage Conservation District;
- (f) acquire covenants or easements relating to heritage matters within the municipality;
- (g) notwithstanding any provision of *The Urban Municipality Act, 1984* or *The Rural Municipality Act, 1989*, acquire heritage property or dispose of heritage property belonging to the municipality;
- (h) erect any suitable plaques or other interpretive devices that the council considers appropriate on or near Municipal Heritage Property or in or near a Municipal Heritage Conservation District.

Stop orders

29(1) Where a mayor or reeve is of the opinion that a person is engaged in any activity that the mayor or reeve considers likely to result in damage or destruction to any heritage property in the municipality, the mayor or reeve may issue a temporary stop order requiring that person to cease the activity that is specified in the temporary stop order.

(2) The temporary stop order may be made for a period of not more than 60 days to allow the council to:

- (a) salvage the heritage property in danger;
- (b) record or excavate the heritage property;
- (c) investigate alternatives to the destruction of the heritage property; or
- (d) designate the property pursuant to this Act.

(3) Any person who feels personally aggrieved by a temporary stop order issued pursuant to subsection (1) may, within 14 days of the date of the order, appeal to Her Majesty's Court of Queen's

Bench for Saskatchewan, and the judge who hears the appeal may confirm, vary or rescind the order appealed.

(4) The council may, by motion at a regular or special meeting, cancel an order made pursuant to subsection (1).

Easements

30 Any covenant or easement acquired by a council pursuant to clause 28(f):

(a) may be registered in the appropriate land titles office against the certificate of title for the property affected;

(b) continues to run with the property; and

(c) may be assigned to any person who, as assignee, may enforce the easement or covenant as if the assignee were the council and the council owned no other land that would be accommodated or benefitted by the easement or covenant.

Dereliction of designated property

31(1) Where, through neglect or lack of maintenance, the integrity or existence of designated property is placed in jeopardy, the council of the municipality in which the property is situated may, by order, require the registered owner of that property to undertake any specific repairs or other measures that the council considers necessary to preserve the property.

(2) The council shall give 14 days' written notice of its intention to issue an order pursuant to subsection (1) to the registered owner of the property that is to be the subject of the order.

(3) On being served with a notice pursuant to subsection (2), an applicant who is a registered owner may serve the council, within 14 days, with an objection stating the reason for the objection and all relevant facts.

(4) On receiving an objection pursuant to subsection (3), the council shall:

(a) refer the matter to the review board for a hearing pursuant to section 14 and a report pursuant to section 15, or amend or modify the order or not issue the order; and

(b) notify the applicant of the referral.

(5) If an objection is not received pursuant to subsection (3), the council may issue the order.

(6) Where the council issues an order pursuant to this section, the order must provide a period of at least 90 days for the registered owner of the property to comply with the order.

(7) Where the registered owner of the property fails to comply with an order made pursuant to subsection (1) within the time limit set out by the order, the council, without any further authority, may perform the repairs or other measures specified in the order or cause them to be performed.

(8) The costs of any specified repairs or other measures performed pursuant to subsection (7) are to be borne by the municipality in the first instance.

(9) Where costs are incurred by the municipality pursuant to subsection (8), the municipality:

(a) is deemed to have an interest in the land to which those costs relate for the amount of the costs;

(b) may file a caveat against the land in the appropriate land titles office;

(c) may charge interest to the registered owner on the amount of the costs incurred; and

(d) shall forward to the registered owner at least once in each year a statement showing the costs and interest owing by the registered owner.

(10) Where a registered owner of property against which a caveat has been filed pursuant to subsection (9) sells the property, the costs and interest incurred by the municipality pursuant to this section with respect to that property are to be repaid to the municipality.

(11) Where the total costs and interest owed by a registered owner of property to a municipality are paid, the municipality shall discharge any caveat registered against the property to which the costs and interest relate.

Council to consider report

32 Where a matter is referred to the review board pursuant to subsection 31(4), on receipt and consideration of the report of the review board, the council:

- (a) may issue the order, amend or modify the order, or not issue the order; and
- (b) shall notify the applicant of the council's decision.

Sale of designated property

33 No owner of a designated property or property against which a notice of intention has been registered pursuant to clause 11(2)(d) or 17(2)(d) or a Heritage Conservation District notice has been registered pursuant to clause 11(2)(e) or 17(2)(e) shall offer the property for sale without giving the council of the municipality in which the property is located 30 days' written notice of the owner's intention to sell the property unless the council consents to a shorter period.

Power of inspection

34(1) Subject to subsection (2), for the purposes of enforcing this Part, at any reasonable time, with reasonable notification and on producing proper identification, any person with the written authorization of the council may enter and inspect any designated property or property proposed to be designated.

(2) No person mentioned in subsection (1) shall enter and inspect any private dwelling without first obtaining the permission of the occupant or an order pursuant to subsection (4).

(3) No person shall:

- (a) obstruct a person authorized to make any inspection pursuant to this section; or
- (b) conceal or destroy anything relevant to the inspection.

(4) A judge of Her Majesty's Court of Queen's Bench for Saskatchewan may make an order, on an application without notice by the council or by a person authorized by the council, where the judge is satisfied that the council or the person authorized by the council believes, on reasonable and probable grounds, that entry on designated property or property proposed to be designated:

- (a) has been denied; and
- (b) is required for the purposes of inspection pursuant to this Act.

(5) An order mentioned in subsection (4) may authorize the person named in the order, together with any peace officer the person may call on for assistance, to enter, at any reasonable time and with any necessary force, the property named in the order for the purpose of inspecting the property.

Permission to designate more than once

35 A council shall not designate any property more than once without the written permission of the registered owner".

New heading

8 The heading preceding section 61 is repealed and the following substituted:

"PART V

Heritage Property Conservation".

New section 61

9 Section 61 is repealed and the following substituted:

Interpretation

"61 In this Part, 'permit' means an investigation permit issued pursuant to section 67".

New sections 66 to 66.2

10 Section 66 is repealed and the following substituted:

Interpretation

"66 In sections 66.1 and 66.2, 'vertebrate palaeontological object' means:

- (a) the skeletal remains; or
- (b) the traces of activity;

of a vertebrate animal that lived prior to January 1, 1885.

Ownership of objects

"66.1(1) Every archaeological object or vertebrate palaeontological object found in or taken from land in Saskatchewan on or after November 28, 1980 is deemed to be the property of the Crown.

(2) Every palaeontological object, other than a vertebrate palaeontological object, found in or taken from land in Saskatchewan after the coming into force of this section is deemed to be the property of the Crown.

Registration of objects

"66.2(1) Any person who has found in, or has taken from, land in Saskatchewan the following objects may apply to the minister for registration of those objects and shall provide to the minister any information the minister may require regarding those objects:

(a) any archaeological object or vertebrate palaeontological object found or taken prior to November 28, 1980; or

(b) any palaeontological object, other than a vertebrate palaeontological object, found or taken prior to the coming into force of this section.

(2) The minister may register an object mentioned in subsection (1) where the minister is satisfied that:

(a) the archaeological object or vertebrate palaeontological object was found in or taken from land in Saskatchewan prior to November 28, 1980; or

(b) the palaeontological object, other than a vertebrate palaeontological object, was found in or taken from land in Saskatchewan prior to the coming into force of this section.

(3) The minister shall maintain a register of archaeological and palaeontological objects found in or taken from land in Saskatchewan.

(4) An object registered with the minister pursuant to section 66 of this Act as that section existed immediately prior to the coming into force of this section is deemed to be registered pursuant to this section.

(5) A registration of an object pursuant to subsection (2) or (4) shall, as between the Crown and the person in whose name the object is registered, be proof that the person is the owner of the object.

(6) The minister may revoke the registration of an object pursuant to this section where the minister is satisfied that:

(a) the registration was fraudulently obtained;

(b) the applicant for registration misrepresented or failed to disclose any material fact;

(c) the registration was made in error; or

(d) the object is not one that is entitled to be registered pursuant to this section.

(7) No person shall buy, sell, offer for sale, trade, or otherwise dispose of or remove from Saskatchewan any archaeological object or palaeontological object found in or taken from land in Saskatchewan without the written permission of the minister".

Section 67 amended

11 Section 67 is amended:

(a) by repealing subsection (1) and substituting the following:

"(1) No person shall, for the purpose of collecting from, researching or otherwise managing heritage property:

(a) carry out a survey;

(b) make collections; or

(c) conduct excavations or other activities;

which may disturb or dislocate archaeological or palaeontological objects unless the person holds a valid and subsisting investigation permit issued pursuant to this section";

(b) by striking out "a research" and substituting "an investigation" in clause (2)(a); and

(c) in clause (3)(c):

(i) by striking out "vertebrate"; and

(ii) by striking out “research” and substituting “investigation”.

Section 71 amended

12 **Subsection 71(1) is amended by striking out “vertebrate”.**

Section 71.1 amended

13 **Subsection 71.1(1) is amended by adding “or as a Municipal Heritage Conservation District” after “Municipal Heritage Property”.**

Section 73 amended

14 **Subsection 73(2) is amended by adding “or property within a Municipal Heritage Conservation District” after “Municipal Heritage Property”.**

Section 76 amended

15 **Section 76 is amended by adding “or property within a Municipal Heritage Conservation District” after “Municipal Heritage Property”.**

Section 79 amended

16 **Section 79 is amended:**

(a) by repealing clause (c) substituting the following:

“(c) defining any word or expression used in this Act but not defined in this Act;

“(c.1) defining any forms of preserved remains or traces of multicellular organisms that are not included within the definition of palaeontological object pursuant to clause 2(n.1)”; **and**

(b) by adding the following clause after clause (d):

“(d.1) respecting the disposition of heritage property that is the property of the Crown, including the exclusion of any heritage property or category of heritage property from sale, lease or exchange or other disposition”.

Coming into force

17 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.