



## Municipal Heritage Partnership Program

### **Municipal designation and mandatory documentation process**

The *Historical Resources Act* empowers municipalities to legally protect locally significant places through designation as Municipal Historic Resources, as outlined in section 26-8 of the Act. The designation, in the form of a bylaw, is issued and maintained by the local municipal council.

When designating a place as a historic resource and listing it as a historic place on the Alberta and Canadian Registers of Historic Places, there are several steps to follow to ensure the place is correctly protected and documented. The following steps will help resource owners gain access to opportunities for ongoing cost-sharing programs for conservation from the Government of Canada and The Alberta Historical Resources Foundation.

*Please note that this is not to be construed as legal advice – all steps outlined below for which there are legal implications should be considered with your local legal counsel.*

#### **1. Identify the place which may merit protection through designation**

- Places can be identified through a comprehensive evaluative inventory or on a site-by-site basis, with local knowledge and thorough understanding of why the place is important.
- Individual owners may approach the municipality for designation based on advice from local heritage groups or Preservation Advisors of Alberta Tourism, Parks, Recreation, & Culture's Historic Resources Management Branch.

#### **2. Evaluate the place to ensure it qualifies as a Historical Resource**

- Evaluation against the five criteria of significance adopted by the Government of Alberta is a good way to determine if the place is truly one of historic significance and deserving of designation.
- An evaluation can result in a draft or final Statement of Significance which will help articulate the values of the place and outline the physical elements which should be conserved over time.
- The draft or final Statement of Significance will help to make the case for designation to a municipal council and will make completing the remaining mandatory documentation, required for listing on the Alberta and Canadian Registers of Historic Places, much easier (see point 8).

### **3. Discuss designation with the owner and obtain permission to legally protect the place**

- Section 26 (6) of the *Historical Resources Act* outlines the protective measures of designation as a Municipal Historic Resource.
- Because municipal designation prevents the destruction, disturbance, alteration, restoration or repair of a historic resource without the consent of council or its appointee, it is wise to seek the consent of the owner to proceed with designation. If the owner does not consent and the municipality still designates against the owner's wishes, then the municipality may be liable for any decrease in economic value due the designation.
- Recent research into the economic impact of designation shows that many properties do not decrease in value due to designation and in fact often increase in value. No guarantees can be provided regarding this; however economic trends look favourable for designation.

### **4. Issue a notice of intention to designate**

- Section 26 (2) of the *Historical Resources Act* requires the municipal government to serve 60 days notice to the owner of the property that is being designated a Municipal Historic Resource.
- The notice is active for 120 days and any property under notice is granted all the protections of designation until the 120 days have ended. The notice must be active for a minimum of 60 days before a municipal government may legally designate the place a Municipal Historic Resource.
- Send the notice of intention to designate by registered mail so that upon receipt of the notice by the owner 120 days can be tracked.

### **5. Compensation agreement**

- Section 28 of the *Historical Resources Act* protects the rights of the property owner if the designation compromises the economic value of the place.
- The municipality, in coordination with its local legal counsel, should create an agreement with the owner regarding compensation. This will protect the municipality from future claims of compensation due to the designation. Agreements may eliminate the local government obligation to compensate the owner. The municipality can also choose to provide local level incentives for municipal designations as part of the agreement.
- Incentives exist at the provincial and federal levels for designation and conservation. However, to qualify for maximum funding available, the place must be designated a Municipal Historic Resource and listed on the Alberta and Canadian Registers of Historic Places.

- Compensation agreements should always be contingent upon the successful designation of the place for which the agreement exists.

## **6. Municipal Historic Resource Designation bylaw**

- Section 26 (2) of the *Historical Resources Act* states that after the notice of intention has been active for 60 days, the municipal council may pass a bylaw designating the place as a Municipal Historic Resource. The Municipal government should also have received consent of the owner to designate and a compensation agreement should be signed by all parties.
- The bylaw should include a full legal description of the site being protected, a common or historic name of the resource and a brief description of the protected components of the site, for example: a house alone versus a house and lands.
- The Act mandates that once the place is municipally designated the owner must apply to the municipality to authorize any destruction, disturbance, alteration or repair to the historic resource.
- Authorized changes to the historic resource should be in accordance with the established Statement of Significance (see section 8) and the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

## **7. Register the designation on title**

- The Historical Resources Act requires that the designating bylaw is registered on the title with the appropriate land titles office for the property that has been protected. Once the bylaw is registered on title, the designation is complete.
- Whenever possible, a copy of the bylaw and registration on title should be provided to the provincial Registrar of Historic Places.

## **8. Complete mandatory documentation for listing on the Alberta and Canadian Registers of Historic Places.**

- Once a Municipal Historic Resource is designated, mandatory documentation must be completed for a historic place to be listed on the registers.
- Mandatory documentation is descriptive information about the historic place including location, designation, digital images and statements of significance and integrity.
- A statement of significance tells why a place is important and what parts of it must be protected or conserved to best understand its significance.
- A statement of integrity demonstrates that sufficient historic materials and attributes of the place remain for it to best convey its significance.

- The Statements of Significance and Integrity are specialized documents and you may require professional assistance. Cost sharing opportunities for completion of mandatory documentation are available by contacting Matthew Francis at [matthew.francis@gov.ab.ca](mailto:matthew.francis@gov.ab.ca)

**9. Submit mandatory documentation to the Provincial Registrar for nomination to the Alberta and Canadian registers of Historic Places.**

- Once completed the mandatory documentation can be submitted online to the provincial Registrar of Historic Places who will review all nominations to the register.
- Once a place has been accepted as having clearly articulated its significance, retained its historic integrity and documentation is accurately completed, it will be placed on both the Alberta and Canadian Registers of Historic Places.
- Mandatory documentation which does not meet provincial standards will be returned with advice for improvement. Further advice and help for mandatory documentation is available through Alberta Tourism, Parks, Recreation, & Culture's Municipal Heritage Partnership Program. [www.mhpp.ab.ca](http://www.mhpp.ab.ca)
- Once the place is listed on the register it is eligible to apply for conservation grants and will be available for wide viewing online at [www.albertahistoricplaces.ca](http://www.albertahistoricplaces.ca) and [www.historicplaces.ca](http://www.historicplaces.ca).
- To obtain information about mandatory documentation or accessing online forms, please contact:

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