



# TOWN OF KENTVILLE BY-LAW

## CHAPTER 110

### HERITAGE PROPERTY BY-LAW

---

#### 1.0 Title and Definitions

- 1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law"
- 1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.
- 1.3 In this By-law:
  - (a) "Act" means the Nova Scotia Heritage Property Act;
  - (b) "Area" includes such physical features as cemeteries, historical gardens, statues, monuments and any other structures within Town that are deemed to have proven historical significance.
  - (c) "Council" means the Town of Kentville Council
  - (d) "Committee" means the Heritage Advisory Committee established pursuant to this By-law.
  - (e) "Town " means the Town of Kentville.
  - (f) "Town Heritage Property" means a building (ex; Main Street Station), public-building interior, streetscape, cultural landscape, or area registered in the Town of Kentville Registry of Heritage Property.
  - (g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land.
  - (h) "Registry" means the Town's Registry of Heritage Property.
  - (i) "Substantial Alteration" means any action that affects or alters the character-defining elements of a property.

#### 2.0 Registry

- 2.1 The Town shall establish and maintain a Town's Registry of Heritage Property where all prescribed documents relating to the registration of Town Heritage Property pursuant to the Act or this By-law shall be filed.
- 2.2 The Registry shall contain information with respect to recommendations, registrations and deregistration's, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act.
- 2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Town.

### 3.0 Heritage Advisory Committee

- 3.1 A Committee shall be established to discuss and recommend the process of inviting a building, public interior, streetscape, cultural landscape or other item to be registered as a Town Heritage Property.
- 3.2 The Committee shall be a Committee of Council and shall follow the Town of Kentville Committees of Council Policy Statement 57.
- 3.3 The Committee shall include 3 voting members from the community and 2 voting members of Council. A staff representative from the Planning and Development Department and the Chief Administrative Officer and may include other staff support.
- 3.4 The Committee may advise Council respecting:
  - (a) the inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Town's Heritage Property Registry;
  - (b) an application for permission to substantially alter or demolish a Town Heritage Property.
  - (c) the preparation, amendment, revision or repeal of a Heritage Conservation Plan and Heritage Conservation By-law.
  - (d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act.
  - (e) an application for a certificate that is required by this Act or the referral of a Heritage Conservation Plan and Heritage Conservation By-law to Council for a public hearing; and
  - (f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.


### 4.0 Registration and Notification

- 4.1 Registration of an Area with Town of Kentville Heritage Property designation may be associated with financial incentives for the property owner, and a plaque given to the owner with the intent of posting it on the Area.
- 4.2 Process to Register: There are two ways the process may be commenced to register a structure as historical:
  - (a) The Committee can recommend Areas for Heritage Designation by completing Form A. Upon recommendation, the owner shall be sent a letter with the Notice of Recommendation to explain the designation. The owner will be given the option to approve or object to the designation.
  - (b) Any owner of an Area can ask the Town to register a structure by completing Form B and submitting it to Town Hall.

**CLERK'S ANNOTATION FOR OFFICIAL BY-LAW BOOK**

Date of first reading:	October 1, 2024
Date of advertisement of Notice of Intent to Consider:	January 9, 2025
Date of second reading:	January 27, 2025
Date of advertisement of Passage of By-Law:	February 6, 2025
Date of mailing to Minister a certified copy of By-Law:	January 30, 2025

I certify that this Heritage By-law was adopted by Council and published as indicated above.



Clerk \_\_\_\_\_

A blue ink signature is written over the line and partially over the seal.

Date \_\_\_\_\_

Jan 31/25

# FORM A

## Notice Of Recommendation by the Town

### To Register as a Town Heritage Property

The land and building located at

---

(address, location, legal description or other identification of property)

has been recommended for registration in the Town of Kentville Registry of Heritage Property.

This proposed registration should be regarded as an indication that this particular property is of special value to the Town. The reasons for this proposed registration are:  
(describe reasons for recommendation, e.g. age of property; architectural significance; association with persons, places and events of historical significance; status as important landmark; or other consideration)

---

---

---

The Heritage Property By-law provides that the Town will work with the owner of a property that is registered as a Town Heritage Property where as

- (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Town Council.
- (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the CAO.
- (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application.
- (d) the Town Council may grant or refuse permission or attach conditions.
- (e) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations.
- (f) a copy of this notice has been recorded at the Land Registry Office.

The Heritage Property Act provides that no person shall substantially alter the exterior appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days after service of this notice upon you, unless the Council sooner refuses to register the property.

Please take notice that you have the right to be heard concerning the recommended registration, and you shall be heard by Council, on

\_\_\_\_\_ (date) at \_\_\_\_\_ (time).

You have the right to approve this designation, or decline this designation. You may make submissions at the hearing orally or in writing, and any written submission by you may be presented at any time prior to the hearing.

---

**FORM B**  
**Request by a Property Owner**  
To Register as a Town Heritage Property

Under the Heritage Property By-law,

\_\_\_\_\_ (name of owner) in The Town of Kentville would like to submit \_\_\_\_\_ (name of the property) located at \_\_\_\_\_ (brief description and address) for registration in the Town's Registry of Heritage Property.

\_\_\_\_\_ (submit name) recommended this property for registration for the following reasons: (describe reasons for recommendation)

---

---

---

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**FORM C**  
**Notice Of Registration of a Heritage Property**

To:

You are hereby notified that:

**1.** The land and building located at (address, location, legal description or other identification of property) has been registered in the Town of Kentville Registry of Heritage Property by the Council under the Heritage Property Act on \_\_\_\_\_, 20\_\_\_\_.

**2.** The effect of registration in the Town Registry of Heritage Property is that no demolition or substantial alteration in exterior appearance of the property may be undertaken from the date of registration without the approval of Council.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Clerk

## Checklist – Determining Heritage Value

*Heritage value* is the aesthetic, historic, scientific, cultural, social, or spiritual importance or significance for past, present, or future generations. It is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

<b>Age</b>	
1. Is the property comparatively old in the context of the community	
2. Does the property reflect a particular historical period or event?	
3. Is the property similar in age to surrounding buildings and therefore contributes to the continuity of the streetscape or heritage district?	
<b>Architect/Builder</b>	
1. Was the property designed and/or built by a locally, provincially or nationally renowned architect?	
2. Did the property's architect/designer make a significant contribution to the community or province?	
<b>Historic Associations</b>	
1. Was the property owned or resided in by a person who is significant to the community or province?	
2. Did a significant person visit or stay there?	
3. Was the property used by a significant person?	
4. Did a significant event occur at the property?	
5. Is the property related to a significant event? (Significant historic events frequently include WW1, WW2, Indigenous occupation, Acadian Occupation, Loyalists etc)	
<b>Architectural Style</b>	
1. Is the property an outstanding example of a specific architectural style?	
2. Is the property an uncommon/rare or unique architectural style for the town or province?	
3. Does the architectural style contribute to the streetscape or town?	

<b>Construction Method</b>	
1. Is the property a good or excellent example of a method of construction?	
2. Is the construction uncommon/rare or unique method for the town/province?	
3. Does the construction method reveal important details about the builders?	
4. Has the building maintained its integrity, without substantial alterations or renovations?	
5. Is the craftsmanship particularly impressive or unique?	