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Item No. 21.3
Halifax Regional Council
February 24, 2026

TO: Mayor Fillmore and Members of Halifax Regional Council

FROM: Brad Anguish, Acting Chief Administrative Officer

DATE: February 13, 2026

SUBJECT: Public Participation at Heritage Hearings

INFORMATION REPORT

ORIGIN

On August 23, 2022, Regional Council passed the following motion:

“THAT Halifax Regional Council direct the Chief Administrative Officer (CAO) to provide a staff report on allowing the general public to participate in public hearings to register, alter, or deregister heritage buildings”

EXECUTIVE SUMMARY

- Nova Scotia’s *Heritage Property Act (Act)* defines the procedures that a municipality must follow to protect its heritage assets.
- The *Act* also notes a distinction between a *hearing* and *public hearing*.
- The *Act* specifies when either a *hearing* or a *public hearing* is a procedural requirement, and when an information meeting may be required.
- There is clear differentiation on the degree of public participation that the legislation enables during registration, deregistration, and substantial alteration requests.
- In accordance with the *Act*:
 - A public hearing for a deregistration request shall be open to the broader public.
 - A hearing for a heritage registration request focuses on the property owner’s right to be heard before Council.
 - A hearing or public hearing is not enabled for substantial alteration and demolition requests; however, the *Act* says an information meeting may be held for such requests at a municipality’s discretion.
- The Municipality’s current hearing and public hearing procedures are functioning as intended.

BACKGROUND

The purpose of Nova Scotia's [Heritage Property Act](#) is to "provide for the identification, designation, preservation, conservation, protection and rehabilitation of buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value, in both urban and rural areas, and to encourage their continued use."

In pursuit of this purpose, the *Act* defines what actions a municipality can take to protect heritage assets and the procedures that each action must follow. Further, the *Act* makes a distinction between a hearing and public hearing and specifies when a municipality may choose to hold an information meeting.

- A **Hearing** is required before Regional Council decides if a property is added to the Municipal Registry of Heritage Property.
- A **Public Hearing** is required before Regional Council decides if a heritage property is deregistered.
- An **Information Meeting** may be requested by Regional Council to collect input on a demolition or substantial alteration request.

Based on the direction of the *Act*, HRM currently offers the opportunity for the owner of the subject property to speak before a heritage registration decision is made, though no other residents are permitted to participate. HRM also adopted a procedural policy in 1999 that requires an information meeting before staff prepare a report on the potential demolition of a municipally registered heritage property. HRM does not hold an information meeting for substantial alteration applications.

Regional Council has requested information on whether the broader community can be allowed to participate in any hearing or public hearing enabled under the *Act*, with a focus on requests to register, alter, or deregister municipal heritage properties.

DISCUSSION

Staff have reviewed Regional Council's motion alongside the *Act*, to determine what, if any, flexibility exists in regards to public participation. The *Act* makes a clear differentiation between the degree of public participation that the legislation enables during registration, deregistration, and substantial alteration requests. And as such, HRM cannot create a single engagement approach / process for all heritage-focused applications permitted under the *Act*. HRM's established processes and policies are functioning as the *Act* intended, as discussed below.

Public Hearings

When speaking to the deregistration process for municipal heritage properties, Section 16(1)(b) of the *Act* states that Regional Council may deregister a municipal heritage property after holding a public hearing, and Section 16(2) reiterates that the hearing is public and a notice shall be published in a newspaper. This is the only context where the *Act* enables broad community involvement in a public hearing format.

Hearings

Sections 14 and 15 outline procedures used to register municipal heritage properties. Sections 14(2) and 14(3) state that the owner will receive notice of the recommendation to register the property as a municipal heritage property, and includes the right of the owner to be heard and of the time and place for the hearing. Similarly, Section 15(2) states that no registration shall take place until the Council gives the property owner the opportunity to be heard. In both sections, there is no requirement for a newspaper advertisement to alert the broader public. The language of the legislation is clear that this is not a public hearing, but an opportunity for Council to hear directly from the owner. Contrary to Section 16, sections 14 and 15 do not provide for a public hearing.

Information Meetings

With respect to substantial alterations or demolition requests outside of a Heritage Conservation District, the *Act* has no requirement for a hearing or public hearing. Section 17 sets out that an alteration for demolition to a municipal heritage property must be approved by the municipality. The application must be referred to Heritage Advisory Committee for its recommendation prior to approval, with or without conditions, or refusal by the municipality. Section 18(2) states that:

'...a municipality may require public notice of the application [sic - substantial alteration or demolition] and information meetings respecting the application to be held.'

HRM has a practice of holding an information meeting, which is open to the broader public, before a decision on a demolition request is made, though this form of public participation differs from a public hearing.

Current HRM practice does not require the holding of an information meeting for a substantial alteration. A substantial alteration request requires staff to conduct a technical review of the proposal's alignment with the *Standards & Guidelines for the Conservation of Historic Places in Canada*, as well as the *Act*, to ensure that a property's heritage value will be maintained. Staff see little benefit to incorporating optional public participation into HRM's substantial alteration procedures given that it relies on staff's technical review (and subsequent recommendation by the Heritage Advisory Committee). Doing so would extend processing timelines notably for a situation that poses minimal threat to heritage value (as compared to a demolition request) and may increase an expectation on the part of the public that the outcomes can be influenced.

Heritage Conservation District (HCD)

The *Act* enables more opportunities for the broader public to be involved in heritage matters within an established HCD. Section 19F(1) states that if an HCD Plan and By-law require a certificate of appropriateness for a demolition request, Council shall hold a public hearing. Further, Section 19E(2) notes that an HCD Plan and By-law may state when public hearings are required for specific kinds of alterations or interventions.

FINANCIAL IMPLICATIONS

No financial implications.

COMMUNITY ENGAGEMENT

No community engagement was required for this information report.

LEGISLATIVE AUTHORITY

Heritage Property Act, RSNS 1989, c 199, Sections 14-18

Recommendation as municipal heritage property

- 14 (1) A heritage advisory committee may recommend to the municipality that a building, public-building interior, streetscape, cultural landscape or area be registered as a municipal heritage property in the municipal registry of heritage property.
- (2) The municipality shall cause notice of the recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty days prior to registration of the building, public-building interior, streetscape, cultural landscape or area in the municipal registry of heritage property.

- (3) The notice shall contain
- (a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the municipal registry of heritage property;
 - (b) a brief statement of the reasons for the recommendation;
 - (c) a summary of the consequences of registration;
 - (d) a statement that no person shall substantially alter the exterior appearance of or demolish the building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after the notice is served unless the municipality sooner refuses to register the property; and
 - (e) notification of the right of the owner to be heard and of the time and place for the hearing.

(4) No person shall substantially alter the exterior appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after a notice respecting the building, public building interior, streetscape, cultural landscape or area has been served pursuant to subsection (2) except in those cases where, prior to the expiration of one hundred and twenty days, the municipality refuses to register the property.

(5) A copy of the notice served pursuant to subsection (2) shall be deposited in the registry of deeds for the registration district in which the building, public-building interior, streetscape, cultural landscape or area is situate. R.S., c. 199, s. 14; 2010, c. 54, s. 10.

Registration as municipal heritage property

- 15 (1) At any time not less than thirty days nor more than one hundred and twenty days after service of the notice pursuant to Section 14 and on the advice of the heritage advisory committee, the municipality may register the building, public-building interior, streetscape, cultural landscape or area as a municipal heritage property in the municipal registry of heritage property.
- (2) No registration pursuant to subsection (1) shall take place until the council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three weeks after service of the notice pursuant to subsection (2) of Section 14.
- (3) Notice of the registration shall be sent to each registered owner of the building, public-building interior, streetscape, cultural landscape or area and a copy thereof shall be deposited in the registry of deeds for the registration district in which the building, streetscape or area is situate. R.S., c. 199, s. 15; 2010, s. 54,s. 11.

Deregistration of municipal heritage property

- 16 (1) On the application of an owner of a municipal heritage property or on its own motion, the council may deregister a municipal heritage property where
- (a) the property has been destroyed or damaged by any cause; or
 - (b) the continued registration of the property appears to the council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner, after holding a public hearing to consider the proposed deregistration.
- (2) Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.
- (3) Where a municipal heritage property is deregistered, the council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited

in the registry of deeds for the registration district in which the property is situate. R.S., c. 199, s. 16; 2010, c. 54, s. 12.

Approval to alter or demolish municipal heritage property

- 17 (1) Municipal heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the municipality.
- (2) An application for permission to substantially alter the exterior or public-building interior appearance of or demolish municipal heritage property shall be made in writing to the municipality.
- (3) Upon receipt of the application, the municipality shall refer the application to the heritage advisory committee for its recommendation.
- (4) Within thirty days after the application is referred by the municipality, the heritage advisory committee shall submit a written report and recommendation to the municipality respecting the municipal heritage property.
- (5) The municipality may grant the application either with or without conditions or may refuse it.
- (6) The municipality shall advise the applicant of its determination. R.S., c. 199, s. 17; 2010, c. 54, s. 13.

Consideration by municipality of application to alter or demolish

- 18 (1) The municipality may take up to three years to consider an application under Section 17.
- (2) In its consideration of the application, the municipality may require public notice of the application and information meetings respecting the application to be held.
- (3) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application.
- (4) Where the property owner has made the alteration or carried out the demolition in accordance with this Section, the municipality may deregister the property if the municipality determines that the property has lost its heritage value. 2010, c. 54, s. 14.