



# Bright Futures Begin in the Past

*Heritage Awareness and Stewardship*

QUEBEC ANGLOPHONE  
HERITAGE NETWORK  
QAHN



RÉSEAU DU PATRIMOINE  
ANGLOPHONE DU QUÉBEC  
QAHN



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# The Stockholm Declaration, 1998

*(excerpt)*

*The right to cultural heritage is an integral part of human rights, considering the irreplaceable nature of the tangible and intangible legacy it constitutes, and that it is threatened in a world which is in constant transformation. This right carries duties and responsibilities for individuals and communities as well as for institutions and states. To protect this right today is to preserve these rights of future generations:*



*The right to have the authentic testimony of cultural heritage, respected as an expression of one's cultural identity within the human family;*



*The right to better understand one's heritage and that of others;*



*The right to wise and appropriate use of heritage;*



*The right to participate in decisions affecting heritage and the cultural values it embodies;*

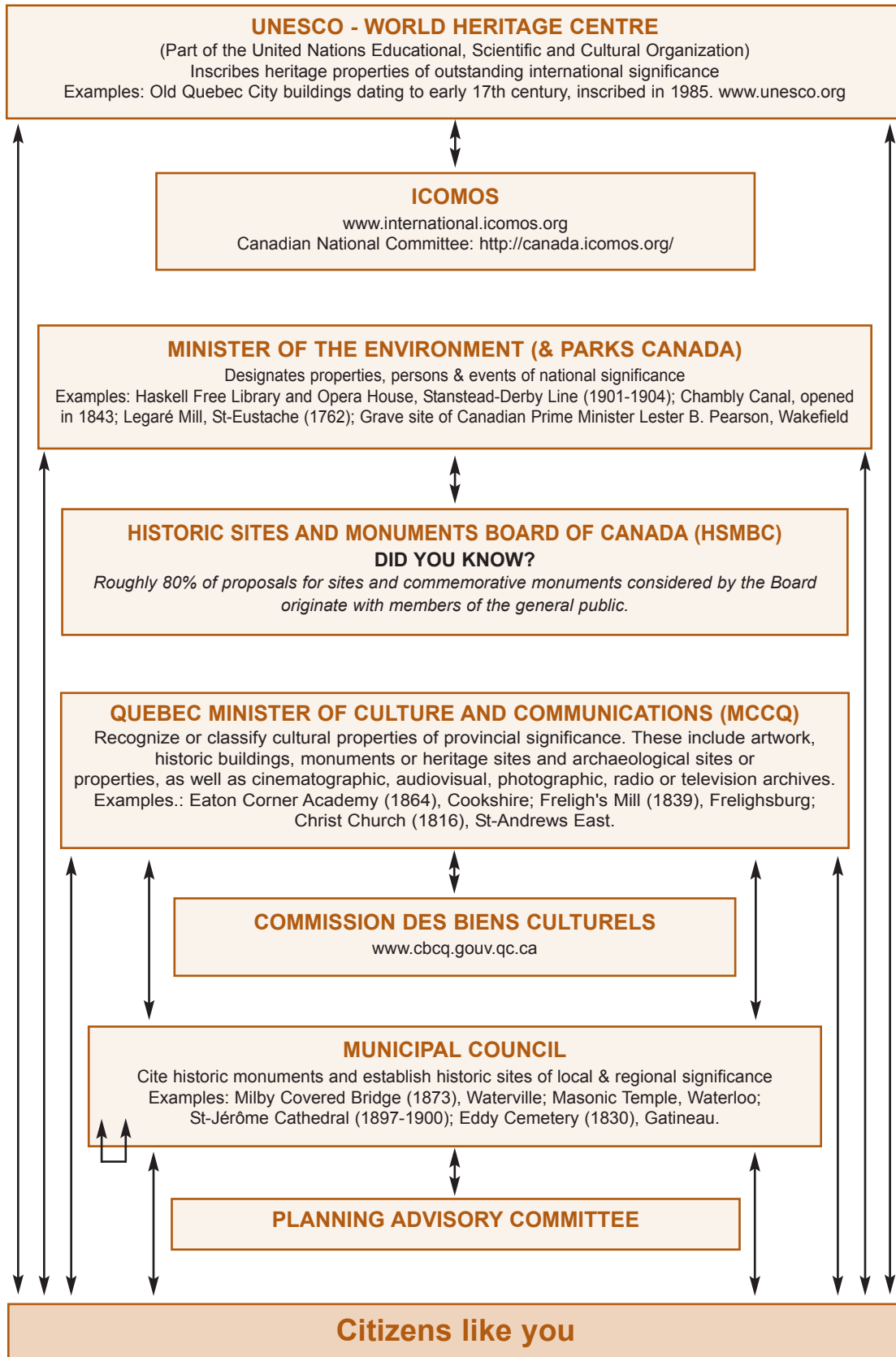


*The right to form associations for the protection and promotion of cultural heritage.*

*These are responsibilities that all - individually and collectively - must share just as all share the wealth of the memory, in the search for a sustainable development at the service of Mankind.*



# THE WORLD OF CONSERVATION





## HERITAGE IN OUR COMMUNITIES

Quebec's rich and diverse heritage finds expression in many aspects of our shared memory. Historic buildings, parks, archeological ruins and cultural artifacts of all kind each tell us something about the history of our hometown. But local heritage comprises much more than mere landscapes and objects from the past. It is also shaped by traditions and by stories about the places where we live. A community's past may be glimpsed along its streets, in the architecture of our homes and workplaces. This guidebook is for keepers of those tales and for local leaders in town halls across the province who wish to share this heritage with future generations of Quebecers.

Knowledge and the recognition of value are inextricably linked in heritage conservation. What we recognize as having heritage value is constantly evolving. Sadly, far too many municipalities have either failed or refused to recognize the value of built heritage in their own communities until it was threatened with demolition or disfigurement. Whenever this happens, the result is the same: Quebec's remarkable architectural legacy is debased while residents are deprived of yet another chapter in the story of their community. The Quebec Anglophone Heritage Network hopes that municipal leaders and local citizens will work together to reverse this trend.

### Why Bother?

- ❖ A well-maintained historic property is a source of community pride. Any old building, as simple as it may be, belongs to your town's history and can contribute to your community's visual interest and charm. This is why it is so important for local leaders to encourage property owners to preserve and enhance the original characteristics of heritage buildings when undertaking renovations.
- ❖ Respecting heritage makes good business sense. A well-maintained heritage building, renovated according to good trade practices, has a higher resale value than one that has lost its original elements. Also, building restorations can create much more employment in terms of dollars invested than new construction.
- ❖ Sound conservation policies can stimulate community development. Far from being a drain on municipal budgets, protecting local architectural heritage is a good investment in the future prosperity of your community. Heritage buildings are precious, non-renewable resources that make our communities unique and attractive to visitors and residents alike.

Use it or lose it. If municipalities don't use their conservation authority, they will lose it. This is already happening. Until recently, Chap C-19, Sect 412 of the Quebec Municipal Code and Chap. C-271, Sect. 493 of the Towns & Cities Act allowed municipalities to halt or suspend activities that threatened to destroy local heritage, even when the properties were not officially designated. Both sections were repealed in 2005. One of the doors leading to heritage preservation has been silently shut.



# QUEBEC HERITAGE AND THE ROLE OF MUNICIPALITIES

Mayors and municipal councillors in Quebec can take direct measures to protect local heritage if they will to do so. The powers municipalities have at their disposal to may be divided into two broad categories: those set out in local town-planning bylaws and those contemplated in Quebec's Cultural Properties Act, the *Loi sur les biens culturels du Québec*.

## THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

*(R.S.Q. Chapter A-19.1)*

Under this legislation, local municipal leaders can either change a municipality's existing zoning bylaws or introduce a comprehensive measure known as a Site-Planning and Architectural Integration bylaw, more commonly referred to by its French acronym, PIIA.

### Amending local planning by-laws

*(See R.S.Q. Chapter A, Sect. 145.41)*

#### A municipal council has the power to:

- ❖ Set standards and prescribe measures for the maintenance of buildings;
- ❖ Require that restoration, repair or maintenance work be carried out

A set of amendments to local bylaws may also specify which zones local municipal leaders seek to renovate, restore or protect.

*(See R.S.Q. Chapter A, Sect. 84)*

## Advantages:

Amending municipal by-laws is a quick and simple measure. The local council merely has to pass a resolution. *(See R.S.Q. C A, Sect. 109-112)*

Amendments to conserve built heritage in the community can also help lay the groundwork for additional local measures, provided under the Cultural Property Act, such as the citation of historic monuments and heritage sites.

Most of all, bylaw amendments show residents that local representatives value the community's heritage.

**Remember, a community that takes pride in its past can look forward to a bright future.**



## Adopting a comprehensive site planning and architectural integration by-law

The Site Planning & Architectural Integration bylaw, or règlement sur les Plans d'Implantation et d'Intégration Architecturale (PIIA) is a versatile tool for heritage preservation that confers many powers on municipalities. (See R.S.Q, Chap. A, Sect. 145.15 - 145.20.1)

### The PIIA typically allows municipalities to regulate:

- ❖ Renovations, repairs, or conversion of existing buildings. With a PIIA, town councils can help preserve the integrity of built heritage by requiring property owners to respect the architectural style, character, and outward features of each structure, including the selection of building materials and colours.
- ❖ Construction of any new buildings. With a PIIA, town councils have the power to require that developers submit for approval drawings of any proposed building project. The new building must be designed to fit in with the architectural style specified for each zone protect by the PIIA. Choice of building materials, colour and the building's integration into the surrounding neighborhood must be reviewed by the town's planning advisory committee. Municipal council must approve all new construction in PIIA-protected zones.

### In addition, municipal councils who adopt PIIA by-laws may regulate such activities as:

- ❖ Relocation or demolition projects
- ❖ Commercial signage
- ❖ Tree-cutting and landscaping

### How municipalities adopt a PIIA bylaw

1. First, municipal council must pass a resolution establishing a Planning Advisory Committee (also know as Conseil consultatif d'Urbanisme (CCU). (See R.S.Q. C A, Sect. 146-148). This committee is appointed by the council and made up of at least three (3) people, one of whom must be an elected member of the municipal council.
2. Write the bylaw. Many municipalities consult urban planning firms or architects for this. The planning coordinator at your MRC may also be able to offer advice. The community organization, La fondation des rues principales even provides training sessions. (Visit their website at [www.fondationruesprincipales.qc.ca](http://www.fondationruesprincipales.qc.ca))
3. Make sure your PIIA conforms can with the objectives of the land-use and development plan of your MRC. Every MRC must maintain in force, at all times, a land use planning and development plan applicable to its whole territory (See R.S.Q. C A, Sect. 3).
4. Pass a resolution adopting the PIIA.



## QUEBEC HERITAGE AND THE ROLE OF MUNICIPALITIES

Although the adoption of a PIIA bylaw enables municipal authorities to preserve the quality of planning development in their community, such a measure does not necessarily afford sufficient protection to local heritage. Municipal governments may also act to designate historic monuments and heritage sites under provisions of Quebec's provincial heritage legislation, the Cultural Property Act. This legislation contemplates descending levels of protection for designated cultural property listed in the province's official Register of Cultural Properties.

For a look at some designated heritage properties, see the Répertoire du patrimoine culturel du Québec at [www.patrimoine-culturel.gouv.qc.ca](http://www.patrimoine-culturel.gouv.qc.ca) and the Canadian Register of Historic Places at [www.lieuxpatrimoniaux.ca](http://www.lieuxpatrimoniaux.ca) or [www.historicplaces.ca](http://www.historicplaces.ca).

### THE CULTURAL PROPERTY ACT

There are more than 5,000 registered cultural properties in Quebec. Any person or organization can request that property be entered on the register, but in practice it is usually municipal councils who make these requests to the Minister of Culture and Communications. Municipalities have had the power to cite monuments and to constitute historic sites under the Act since 1986. (See R.S.Q., Chap. B-4, Sect. 70 & 84)

Persons or groups of people seeking formal citation for a property associated with local or regional heritage must send their request to the municipality in whose territory the property is situated.

Level of Protection Requested	Where to Send Request
<b>Citation</b> of monument(s) or <b>Establishment</b> of historic site(s) of local or regional significance	to the municipality in whose territory the property is situated
<b>Recognition</b> or <b>Classification</b> of cultural properties of provincial significance (highest rank of protection)	to be filed directly with the Ministry of Culture & Communications by a person, an organization or the municipality

#### A Word of Warning

Any property moved from its original location will be ineligible for official citation or inclusion in a historic site, under the provisions of the Cultural Property Act.

“Historic places, if properly conserved, will likely be valued for their role in transmitting authentic messages about our human experience to future generations. As globalization becomes reality, spurred on by the growth in rapid communication, the need to preserve a sense of local identity will become an essential counterpoint. Our individual histories reside in monuments and sites; our collective histories reside in places where we live together.”

**Christina Cameron, Director, National Historic Sites of Canada.**



A request for formal designation under Quebec's Cultural Property Act needn't be long, but it should clearly explain the historical significance of the site or building in question and give reasons why the property requires protection.

#### Requests for designation should explain:

- ❖ The specific location of the property
- ❖ The historical significance of the property
- ❖ The reason(s) why the monument or heritage site needs protection. It can be as simple as: "The conservation is in the public interest"

#### Whenever possible, it should include:

- ❖ Date of construction and name of the architect
- ❖ Dates of major modifications
- ❖ Names of property owners over the years
- ❖ Names of prominent historical persons & events linked to the property
- ❖ State of authenticity
- ❖ Historic photos (they will help guide future decisions about granting permits); in the case of sites, include a map and/or describe the landscape's elements
- ❖ Statement of significance (description, heritage value & character-defining elements), if you plan to include the property in the *Canadian Register of Historic Places*

### Some types of heritage properties that benefit from protection:

**Historic Monuments:** individual houses, churches, factories or public buildings of historic interest, as well as covered bridges, round barns, farms, schoolhouses or other immoveables that may be considered valuable because of their use or architecture.

**Heritage Sites:** cemeteries, private homes and gardens, neighbourhoods in which a group of buildings may be distinguished by their architectural or historic interest.

#### Did you Know?

Any religious property is automatically protected by a municipal PIIA, as long as the property belongs to a religious congregation. To learn how some religious congregations are dealing with their own preservation issues, see [www.churchesfuture.ca](http://www.churchesfuture.ca), especially pp. 16-20. The Act Respecting Fabriques (R.S.Q., C. F-1) and the Religious Corporation Act (R.S.Q., C-71) are also available on Internet. Last fall, the Committee on Culture of the National Assembly conducted a broad public consultation on the future of Quebec's religious heritage. Briefs submitted to the Committee can be found at [www.assnat.qc.ca](http://www.assnat.qc.ca).

## Legal & Administrative Procedures:

Citing historic monument(s) and establishing historic site(s) follow the same procedure, whether or not the properties fall into zones that are already described in a local planning programme.

Here's an overview of the steps residents and municipal councils must take if they wish to include local heritage in the provincial Register of Cultural properties.

What Needs to be Done	Who is Responsible
❖ Send a formal request to the municipality.	Local residents, community associations or anyone with an interest in local heritage
❖ Acknowledge receipt of request	Municipal clerk or secretary-treasurer
❖ Review the request	Municipal Staff
❖ File a notice of motion	Planning Committee <sup>1</sup>
❖ Adopt notice of motion	Municipal Council
❖ Adopt a motion of intent to modify the local planning program, if the affected zone is not in the planning program.	Municipal Council
❖ The by-law has effect from the date the special notice is served on property owners	
❖ Send a true copy of the notice of motion to the Minister of Culture and Communications and the MRC	Clerk, secretary-treasurer, or other designated person
❖ Send public notice of advisory-committee sitting.	
❖ Public sitting (N.B.: it's a legal obligation to listen to presentations from all interested parties)	
❖ Recommendations submitted to Council	Planning Committee
❖ Pass the resolution to modify the PP (if affected zone is not in the planning programme)	
❖ Pass the by-law of citation/constitution	Municipal Council
❖ Send a true copy accompanied with the certificate setting forth the date of coming into force, to the owner of the historic monument, to the Minister and to the MRC	Clerk, secretary-treasurer, or other designated person

Monuments cited & sites established are automatically included in the *Répertoire du patrimoine culturel du Québec*, and may be eligible for nomination to the *Canadian Register of Historic Places*.

<sup>1</sup>N.B. : A municipality may, by by-law of the council, establish a committee to perform the duties entrusted to the advisory committee.

<sup>2</sup>N.B.: When the zones to be protected are not in the planning programme, maximum delay is 180 days.



## **Example A:**

### **Notice of motion of a by-law establishing a local heritage building or historic site**

#### **1. Specific location**

Description of the historic monument (name of the building, street no. street name, lot, cadastre, etc.)  
Perimeter and limits of the heritage site and the identification of the streets or roads therein  
(see Annex \_\_\_\_: plan depicting the perimeter of the site).  
*N.B.: you have to include this plan.*

#### **2. Motivation for designation**

The conservation is in the public interest  
The building/site is connected with a significant historical figure/family: \_\_\_\_.  
The building is the first house built in the region of \_\_\_\_ in the 1820s by \_\_\_\_.  
The site has aesthetic & historic interest. Real estate development threatens to destroy the integrity of a prized grouping of architecturally important buildings.

#### **3. Citation of monument(s) or establishment of historic site(s)**

The by-law is to take effect from the date of service of the special notice on the owners, on \_\_\_\_ 200x.

#### **4. Consultation**

Interested persons may make representations to the advisory committee in accordance with the notices which will be given to that effect.

## **Example B:**

### **By-law designating local heritage property** *(See R.S.Q., Chap. B-4, Sect. 70-83)*

#### **Sect. 1. Specific location**

(See 'Notice of Motion' above)

#### **Sect. 2. Citation, designation**

##### **Citation** of monument(s)

Council cites the house (specific location)historic monument according to the Cultural Property Act (R.S.Q., Chapter B-4).

##### **Designation** of historic site(s)

Council establishes the property (specific location)historic site according to the Cultural Property Act (R.S.Q., Chapter B-4). *N.B.:* The bylaw establishing a heritage site shall include a plan depicting the perimeter of the site.

#### **Sect. 3. Conservation**

The designated historic monument / site mentioned in Sect. 1 shall be kept in good condition.

#### **Sect. 4. Conditions**

Every person who in any way alters, restores, repairs or changes the exterior appearance of the designated historic monument shall comply with the conditions relating to the conservation of the characteristics of the monument to which the council may subject him, in addition to the municipal bylaws. Every person shall comply with the conditions relating to the conservation of the characteristics of the architectural landscape of the heritage site to which the council may subject him, in addition to the municipal by-laws, where on a heritage site that person:

- 1) divides, subdivides, redivides or parcels out land;
- 2) makes a new construction;
- 3) alters, restores or repairs an immovable or in any way changes its exterior appearance;
- 4) posts up new signs or billboards or alters, replaces or demolishes a sign or billboard.



**Sect. 4. Conditions Cont.**

Moreover, no person may perform an act contemplated in the first paragraph without giving at least 45 days' notice to the municipality. Where a municipal permit is required, the application for the permit stands in lieu of the notice. Before imposing conditions, the council shall obtain the advice of the advisory committee. A copy of the resolution fixing the conditions shall accompany, where such is the case, the municipal permit otherwise issued that authorizes the act involved.

**Sect. 5. Demolition, acquisition, sale & expropriation**

No person may demolish all or part of a designated historic monument, move it or use it as a backing for a construction / No person may demolish all or part of an immovable situated on a heritage site without the authorization of the council. Before deciding an application for authorization, the council shall obtain the advice of the advisory committee. Every person performing an act provided for in the first paragraph shall comply with the conditions the council may determine in its authorization. Upon the request of any person who is refused an authorization, the council shall send him (and the MRC) a substantiated notice of the refusal and a copy of the advice of the advisory committee.

After obtaining the advice of the advisory committee, the municipality may acquire, by agreement or expropriation, any property or real right required to isolate, clear, clean or otherwise enhance the immediate vicinity of a designated historic monument situated in its territory. The municipality may acquire, by agreement or by expropriation, a designated historic monument situated in its territory. The municipality may, after obtaining the advice of the advisory committee, transfer or sell the property or rights without further authorization.

**Sect. 6. Action & Penalties**

Any person who contravenes any or all of the provisions of this by-law is guilty of an offence, in addition to paying the costs for each infraction, and is liable to a fine according to the law (L.R.Q., Chapter B-4, Sect. 103-110)

**Sect. 7. Force & Effect**

This by-law will come into force according to the law.

**ENACTED AT** \_\_\_\_\_ (QUEBEC),

**This** \_\_\_\_\_

**D-G or Secretary-Treasurer**

**Mayor**

\_\_\_\_\_

\_\_\_\_\_

N.B.: Usually the municipality has already cited buildings situated on a heritage site. The constitution of a site aims essentially at protecting the surrounding area as well. The Ministry of Culture & Communications (MCC) recommends opting for citation before constitution, and not the reverse. The constitution of a site does not abolish the powers acquired previously through citation. The MCC has never heard of endangered immovable(s) (not cited) situated on a heritage site. Good news!



## **PUBLIC FUNDING FOR LOCAL HERITAGE**

### **Local government**

Municipalities are authorized under the Cultural Property Act to pass special by-laws providing financial or technical assistance to ensure the conservation, maintenance, restoration or enhancement of a designated historic monument and of any immovable property situated on a designated heritage site. Unfortunately, many municipalities assign a low priority to spending on local heritage.

### **Provincial government**

Quebec's Minister of Culture & Communications (MCCQ) can and has in the past:

- ❖ contributed to the maintenance, restoration, alteration or transport of classified cultural property, property situated on a historic site and historic monuments;
- ❖ granted subsidies to conserve and enhance cultural property or property situated on a heritage site (R.S.Q, C B-4, Sect. 51d & 51e).

The heritage support program has not been as well-funded as many in Quebec's heritage sector would like. However, a new heritage fund was recently created. Visit the MCCQ web site for the latest news at [www.mcc.gouv.qc.ca](http://www.mcc.gouv.qc.ca).

### **Ministry of Municipal Affairs and Regions**

Quebec's Rural Pact funding program can help municipalities revitalize their communities. Why not contact your MRC about putting together a heritage project?.

Visit: [www.mamr.gouv.qc.ca/regions/regi\\_prog\\_rura.asp](http://www.mamr.gouv.qc.ca/regions/regi_prog_rura.asp).

### **La Société d'habitation du Québec**

The Renovation Québec program offers subsidies for certain residential renovations, including repairs of all major defects in a housing unit or property, to low-income households. This is an excellent program that can be used to support renovation projects aimed at preserving built heritage in many Quebec communities. For more information, visit: [www.habitation.gouv.qc.ca](http://www.habitation.gouv.qc.ca).

### **Federal government**

The Department of Canadian Heritage offers a vast number of financial support programs for non-profit heritage organizations and community groups. Visit: [www.pch.gc.ca](http://www.pch.gc.ca). Municipalities taking on their own heritage restoration projects may be eligible for funds to hire summer students. Check out the Young Canada Works program at [www.pch.gc.ca/special/ycw-jct/](http://www.pch.gc.ca/special/ycw-jct/).

### **Quebec Religious Heritage Foundation**

This program was established by Quebec's Ministry of Culture and Communications and is specifically designed to help faith groups conserve their religious built heritage, such as churches and other houses of worship. Religious communities and congregations of all faith traditions, who own religious built heritage are eligible to apply for support.

Visit: [www.patrimoine-religieux.qc.ca](http://www.patrimoine-religieux.qc.ca).



## **BIBLIOGRAPHY - FURTHER READINGS**

### **Amis et Propriétaires de Maisons Anciennes du Québec.**

Lots of information available (in French only). Web: [www.maisons-anciennes.qc.ca/index.html](http://www.maisons-anciennes.qc.ca/index.html)

### **Association des plus beaux villages du Québec.**

Why not become a member of this famous association? Web: [www.paysage.qc.ca](http://www.paysage.qc.ca)

### **Canadian Heritage Information Network (CHIN).**

Programs available for museums/historical societies. Web: [www.chin.gc.ca/English/Funding/index.html](http://www.chin.gc.ca/English/Funding/index.html)

### **Comité du patrimoine paysager estrien.**

A starting point if you decide to protect your natural heritage (in French only). Web: [www.paysagesestriens.qc.ca](http://www.paysagesestriens.qc.ca).

### **Commission des biens culturels du Québec.**

Numerous publications, reports, etc. (in French only). Web: [www.cbcq.gouv.qc.ca](http://www.cbcq.gouv.qc.ca).

### **Conseil des monuments et des sites du Québec.**

Heritage related publications & inspiring activities (In French only). Web: [www.cmsq.qc.ca](http://www.cmsq.qc.ca)

### **Conseil du paysage québécois.**

Charter & guide available (in French only). Web: [www.paysage.qc.ca](http://www.paysage.qc.ca)

### **Stone, Wood & Brick: History of the House in Quebec.**

Great site covering many topics. Web: [www.maisonlamontagne.com/english/accueil.asp](http://www.maisonlamontagne.com/english/accueil.asp)

### **Fédération des sociétés d'histoire du Québec.**

Links to other societies concerned by heritage (in French); Web: [www.histoirequebec.qc.ca](http://www.histoirequebec.qc.ca).

### **ICOMOS. Charters, numerous publications covering different topics, world heritage, activities.**

A site to discover & to visit again & again: <http://www.international.icomos.org/home.htm>

### **Ministère des Affaires municipales et Régions. La politique nationale de la ruralité. Pacte rural.**

PDF documents available at: [http://www.mamr.gouv.qc.ca/regions/regi\\_rura\\_poli.asp](http://www.mamr.gouv.qc.ca/regions/regi_rura_poli.asp) (English version available upon request)

### **Parks Canada. Federal Heritage Buildings Review Office Evaluation Criteria.**

Based on international conservation principles; a great tool to evaluate heritage.

Web: [www.pc.gc.ca/progs/beefp-fhbro/criteres-criteria/index\\_E.asp](http://www.pc.gc.ca/progs/beefp-fhbro/criteres-criteria/index_E.asp)

### **Parks Canada. Standards and Guidelines for the Conservation of Historic Places in Canada.**

Practical info to preserve heritage. Web: [www.pc.gc.ca/docs/pc/guide/nldclpc-sgchpc/index\\_e.asp](http://www.pc.gc.ca/docs/pc/guide/nldclpc-sgchpc/index_e.asp)

### **Quebec Religious Heritage Foundation.**

Numerous articles, some funding programs & the inventory of churches online.

Web: [www.patrimoine-religieux.qc.ca](http://www.patrimoine-religieux.qc.ca)

### **World Heritage Centre. The Criteria for Selection.**

A MUST & an essential tool to evaluate local heritage. Web: <http://whc.unesco.org/en/criteria/>