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Department of Community and Regional Planning
The University of British Columbia
Vancouver, Canada
Date April 25, 1996
This thesis assesses the effectiveness of the financial and non-financial tools that British Columbia's heritage legislation provides to support investment in the conservation of privately owned heritage properties.

Although British Columbia's Heritage Conservation Statutes Amendment Act represents a significant improvement on the previous heritage conservation legislation, conflicts exist between this accepted legal framework and the planning process implemented by local governments.

The first stage of the thesis, based on a literature review, describes the historical origins of British Columbia's current heritage legislation. The thesis then describes the various financial and non-financial means by which the legislation supports investment in the conservation of privately owned heritage properties in British Columbia.

The next stage outlines a framework for assessing the effectiveness of the heritage conservation support tools available in British Columbia. Using this information, the author conducted a survey with thirteen selected heritage planning professionals. Analyzing the results of the interviews provided a basis for assessing these tools.
All the interview respondents agreed that the Act has provided local governments with an innovative and powerful range of tools for heritage conservation. Therefore, the issue lies not with the availability of the appropriate tools, nor in any technical impediments to their use, but in the reasons why local governments are not using it to its fullest advantage.

Informants reported several limiting factors: the lack of political will to support conservation; a need for technical education for planners; the low profile of heritage in the general public; and the reluctance of government, academic and professional organizations to assume responsibility for heritage conservation.

The final stage of the thesis includes a series of specific recommendations that would alleviate some of the most significant barriers to the use of the support tools. This information is intended to enable the Province and its municipalities to provide more effective financial and non-financial support to encourage heritage conservation.
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Several individuals deserve my recognition and appreciation for their efforts and assistance in the completion of this thesis. Penny Gurstein provided support and excellent advice, along with continued encouragement and optimism. Bill Huot of the Heritage Branch contributed a boundless body of technical knowledge, attention to detail and infinite patience. Thirteen planners from throughout the province kindly took the time to provide valuable information through individual interviews. Finally, I am particularly grateful to Michael Benson (for so many reasons, they would comprise another thesis altogether).
CHAPTER ONE

INTRODUCTION

1.1 OVERVIEW

The conservation of heritage buildings provides a means of making a city more aesthetically pleasing, and thus more livable. Conservation makes an important contribution towards establishing a community's character and the quality of life of its residents. Old neighbourhoods and buildings help determine what degree, style and scale of future development is appropriate in a particular area. In addition, historical architectural styles and urban form foster a sense of pride for neighbourhood residents and provide a connection to the history of the surrounding area.

Places that the general public considers more 'livable' will usually become known as attractive locations to conduct business, and may become popular destinations for tourists. Several studies by statistical and census bureaus, as well as local tourism agencies, demonstrate that visiting historic places continually rates in the top five activities planned by vacationing families (Roddewig: 38, 1987). In addition, heritage conservation can represent potential economic gain to a community in the form of long-term increases in property values. For these reasons, planners are increasingly being directed to participate in heritage conservation issues at the local government level.
Besides professional heritage planners, various constituencies and stakeholders are involved in the practice of heritage conservation. These include the following: municipal and provincial agencies; local, regional and national heritage advocacy groups; professional planning organizations; industry and research groups; planning and other urban-issues related schools; and, of course, community residents.

## 1.2 PURPOSE

The purpose of this thesis is to assess, at the municipal level, the effectiveness of the financial and non-financial tools that British Columbia's heritage legislation provides to support investment in the conservation of privately owned heritage properties.

## 1.3 PROBLEM

Although British Columbia's *Heritage Conservation Statutes Amendment Act* represents a significant improvement on the previous heritage conservation legislation, conflicts still exist between this accepted legal framework and the planning process implemented by local governments. For example, the use of direct monetary grants is subject to the availability of financial resources in a community, and to the belief of local government that this method is the best means to meet the needs of a private property owner to support investment in the conservation of a particular building. As many local governments put a low priority on heritage, there often exists a lack of political will to dedicate financial resources to heritage conservation. In addition, the non-financial support tools available to local governments may not sufficiently counteract the basic economic constraints within which owners of heritage properties operate.
1.4 **OBJECTIVES**

The objectives of the thesis include the following:

1. to describe the historical origins of British Columbia’s current heritage legislation and the effect that particular constituencies have had on its development;

2. to describe the various financial and non-financial means by which the legislation supports investment in the conservation of privately owned heritage properties in British Columbia;

3. to conduct a consultative process with selected heritage planning professionals in British Columbia, regarding the effectiveness of the available heritage conservation support tools;

4. to assess the effectiveness of these tools, through an analysis of the information gained from the consultations; and

5. to recommend ways for the Province to more effectively provide financial and non-financial support to encourage heritage conservation.

1.5 **SCOPE**

The *Heritage Conservation Statutes Amendment Act* is a comprehensive document that enables the Province and local governments to protect all of British Columbia’s heritage resources, including aboriginal heritage, natural resources and structures not previously recognized, such as heritage wrecks. To establish a context for study and analysis, this thesis includes a summary of the various powers available in the Act. To enable a better
understanding of the effectiveness of the heritage conservation support tools that the legislation provides to municipalities, the study emphasizes the built environment and its management by local governments throughout the province.

The Act passed into law in July of 1994; therefore, the thesis focuses on the experience of local governments with heritage conservation legislation since then. The questions directed towards planners during the post-legislation consultation process for this thesis focus on the ease or difficulty with which the legislation enables municipalities to support investment in the conservation of privately owned properties, and on the attitude of local government towards making use of the available tools.

1.6 METHODOLOGY

To gather information regarding the history of heritage conservation legislation in British Columbia, and to establish a context for the study, the author conducted an extensive literature review. The review included the significant pieces of legislation that led to the development of the Heritage Conservation Statutes Amendment Act. It also included two studies that previously examined the heritage conservation support tools available in British Columbia. The author consulted a senior policy analyst in the Heritage Branch of the Ministry of Small Business, Tourism and Culture for verification regarding descriptions of the various heritage conservation powers provided during the history of the province.
An in-depth review of the *Heritage Conservation Statutes Amendment Act* established a basis for describing the various powers that legislation extends to local governments. Again, the author consulted a representative of the Heritage Branch to ensure an accurate interpretation.

To create a framework for assessing the effectiveness of the heritage conservation support tools provided by the Act, the author developed a questionnaire that focused on the accessibility and ease or difficulty of using these tools. In response to the questionnaire, thirteen heritage planners from throughout British Columbia contributed information on their experience with the new legislation. (Questionnaire in Appendix A.) Given the recent date of the legislation’s enactment (July 1994) and the limited size of the consultative sample, this research framework represents an interim profile that should be revisited in the future to establish a more conclusive assessment of the effectiveness of the tools.

Finally, an analysis of the responses gained from the questionnaires established the basis for a series of recommendations for the Province to improve the effectiveness of the support tools included in the legislation.

1.7 ORGANIZATION

Chapter One of the thesis includes an introduction and summary of the study, including sections on the research purpose, the issues that the thesis attempts to address, and the objectives of the study. Chapter One also outlines the scope, methodology, and organization of the thesis.
Chapter Two describes the historical origins of British Columbia's current heritage legislation. It includes an examination of the following pieces of legislation, from which the *Heritage Conservation Statutes Amendment Act* evolved:

- the *Indian Graves Ordinance*;
- the *Historic Objects Protection Act*;
- the *Archaeological and Historic Sites Protection Act* (1960);
- the *Archaeological and Historic Sites Protection Act* (1972);
- the *Municipal Act*, Section 714A;
- the *Heritage Conservation Act*; and
- Bill 70 and Bill 21.

Chapter Two also includes sections describing the influence of community activism and citizen participation on the evolution of British Columbia’s heritage legislation.

Chapter Three describes the various financial and non-financial means by which the *Heritage Conservation Statutes Amendment Act* supports conservation of privately owned heritage properties in British Columbia. The chapter outlines the following ways in which the Act improves on the previous heritage legislation:

- a package of heritage conservation ‘tools’ are now available to local governments;
- integration of heritage conservation initiatives are more closely integrated into the Province’s land use planning processes;
• property owners enjoy stronger procedural rights;
• new conservation tools more strongly support investment in heritage conservation;
• aboriginal heritage receives improved recognition and protection;
• stricter penalties are in place for heritage offences; and
• provincial heritage stewardship better serves the needs of local governments.

Chapter Four outlines the development of a framework, composed of interview questions, for assessing the effectiveness of the heritage conservation support tools available in British Columbia. The chapter also includes an analysis of the results of a consultative process involving thirteen selected heritage planning professionals in British Columbia, regarding the effectiveness of the available support tools.

Chapter Five includes a series of recommendations for the Province to more effectively provide financial and non-financial support to encourage heritage conservation. This information may assist the provincial government to continue to advance in its effort to support investment in the conservation of the Province’s heritage resources.
CHAPTER TWO

THE HISTORY OF HERITAGE LEGISLATION IN BRITISH COLUMBIA

2.1 INTRODUCTION

British Columbia's current heritage legislation, the *Heritage Conservation Statutes Amendment Act*, is the most comprehensive and publicly shaped legislation of its kind in Canada. This chapter describes the historical origins of the legislation, and the effect that certain constituencies such as community groups have had on its development.

The chapter includes citations of relevant statutes from the *Indian Graves Ordinance* of 1865 and various other pieces of legislation that the Province enacted before the *Heritage Conservation Statutes Amendment Act*. Early heritage related legislation in British Columbia focused primarily on the recognition of archaeological sites rather than those of general historic significance. However, these documents are relevant because they reflect the Province’s growing concern with the protection of these types of resources, and lay the groundwork for mechanisms such as automatic protection and penalties for those who tamper with heritage sites.

2.2 THE INDIAN GRAVES ORDINANCE

The first heritage conservation statute that established a legal framework for the protection of heritage properties, albeit limited to only one type of resource, was the *Indian Graves Ordinance*, enacted in 1865 in an attempt to protect aboriginal grave sites.
from looters. In 1867, the Ordinance was amended in order to require that any person who would steal or otherwise "cut, break, destroy, damage, or remove any image, bones, article or thing deposited in, or near any Indian Grave in this Colony" (Province of British Columbia, 1867: 213) would be subject to a penalty of $100 and/or a three month prison term. Repeat offenders would be "committed to the common gaol, there to be kept to hard labour" for a maximum term of six months (Province of British Columbia, 1867: 213).

2.3 **THE HISTORIC OBJECTS PROTECTION ACT**

In 1925, the *Historic Objects Protection Act* provided the Province with its first provincial legislation to protect, in situ, heritage resources. Essentially, the Act enabled the Lieutenant-Governor in Council to designate as a historic object "any primitive figure or legend cut in or painted upon rock, or any group of such figures and legends, or any structure, or any natural object" (Province of British Columbia, 1925: 49) in British Columbia.

Located near the designated object, a notice citing the Act would warn passersby of the penalty resulting from tampering with the object. The Act stipulated that any person who, without prior permission, should "remove, deface, obliterate, alter, add to, or otherwise interfere with" the object would be liable for a fine of up to five hundred dollars (Province of British Columbia, 1925: 49). However, the Act included nothing to support the protection of heritage resources, and extended protective powers only to selected types of resources.
2.4 THE ARCHAEOLOGICAL AND HISTORIC SITES PROTECTION ACT (1960)

The Archaeological and Historic Sites Protection Act, enacted in 1960, replaced the Historic Objects Protection Act. The new Act broadened and divided the definition of heritage property into “archaeological sites”, “historic sites”, “archaeological objects” and “historic objects” (Province of British Columbia, 1960: 119). It provided for the identification, protection and management of archaeological sites, with the additional provision authorizing the Minister to “designate any site, parcel of land, or structure of historical significance as a historic site” (Province of British Columbia, 1960: 119). This power to automatically protect certain sites is even now considered innovative in its approach.

The Act included a new feature, which dictated that if “any prehistoric or historic remain, whether or not designated as part of an archeological or historic site under this Act, is threatened with destruction by reason of commercial, industrial or other activity, the Minister may require the persons undertaking the activity to provide for adequate investigation, recording, and salvage of archaeological or historic objects threatened with destruction” (Province of British Columbia, 1960: 121). Although the Act included some compensation measures for cases where “as a result of excavation or alteration of an archaeological or historic site...it is shown that the value of the interest of any person...affected thereby is diminished” (Province of British Columbia, 1960: 120), no financial support was provided at the provincial level.
2.5 THE ARCHAEOLOGICAL AND HISTORIC SITES PROTECTION ACT (1972)

In 1972 the Province revised the 1960 Act under the same name. Although its structure and wording underwent significant changes, the purpose of the 1972 Act remained quite similar to that of its predecessor. The most significant change established a broader provision for site investigations and surveys. Section 7(2) states that where "land contains a site that is likely to be altered, damaged, or destroyed by reason of commercial, industrial, agricultural, residential, or other development or activity, or is likely to depreciate or become dilapidated" the minister may "order a site survey and, if...necessary, a site investigation", "order the owner or person responsible for the development or activity to provide sufficient funds for the site survey [or] investigation" and "order that the development or activity be suspended in whole or in part" until the completion of the survey or investigation (Province of British Columbia, 1972: 122). Again, the Act grants no specific powers to the Province to grant financial support for the conservation of heritage resources.

2.6 GRASS ROOTS ACTIVISM

At this point, community-level powers to protect heritage resources were nonexistent; the role of heritage conservation was clearly a private one. In the early seventies, many local citizens participated in the debate regarding Lower Mainland freeways and development impacts on Gastown and Chinatown. In response to the city's concerns, the Province designated both Gastown and Chinatown as historic areas under the Archaeological and Historic Sites Protection Act (1972). It was clear that the public's desire for an extension
of local authority was growing, as were concerns about area rehabilitation and the loss of heritage buildings as a result of redevelopment. Increasingly, the Province was becoming involved in land use issues and urban conservation at the municipal level.

2.7 MUNICIPAL ACT AMENDMENTS

The existing legislation, while appropriate for dealing with archeological and landmark historic sites, was not suitable for local issues such as land use and urban conservation (Province of British Columbia, 1986: 4). In 1973, the Province passed Section 714A of the Municipal Act. (A similar amendment to the Vancouver Charter passed in 1974.) Whereas previous heritage legislation had enabled only provincial designation of significant sites, this amendment extended to municipalities the power to designate “heritage buildings, structures, or lands for the purpose of preserving evidences of the municipality’s history, culture, and heritage for the education and enjoyment of present and future generations” (Province of British Columbia, 1973: 533).

The amendment also required councils to show “due regard to the...need for preserving heritage buildings, structures or lands which collectively represent a cross-section of all periods and styles in the municipality’s historic and cultural evolution”, “costs and benefits of the preservation” and “compatibility of preservation with other lawful uses of the buildings, structures, or lands” (Province of British Columbia, 1993: 533).

Section 714A of the Municipal Act did not include a compensation provision if designation lowered the value of a heritage property. Part 29, the section of the Act that
allowed planning powers without the obligation of compensation, contained the provisions for designation.

The Province also amended Section 400 of the *Municipal Act* to enable local government to exempt “a historical building, and the land on which it is situate” from taxation of land and/or improvements, for ten years or less (Province of British Columbia, 1993: 205). This power was available for any eligible site, and its use did not require designation. The amendments did not include other forms of support, such as grants.

2.8 THE NEED FOR IMPROVED LEGISLATION

Throughout the early 1970s, the heritage conservation movement continued to grow in Canada. The 1960s idea of urban renewal had fallen into disfavour, and NIMBY attitudes were on the rise; many people used the idea of heritage conservation to wage these types of battles. At the same time, the public perception of traditional property rights was giving way to an increased call for environmental protection (both as an urban and rural issue), which arose from the past decade of urban renewal. However polarized these groups might be, they both agreed that the problem lay in the current legislation. Heritage opponents denounced the protection of heritage as an infringement on traditional property rights, while heritage advocates lobbied for more enabling legislation. In addition, the officials responsible for administering the legislation wanted clearer definitions, fewer loopholes, and more efficient procedures than were currently available (Province of British Columbia, 1986: 6 [unpublished]).
2.9 THE HERITAGE CONSERVATION ACT

The Province enacted the first *Heritage Conservation Act* in 1977. At the time, this legislation was ground-breaking in the Canadian context in that it integrated municipal and provincial legislation, and it established a further differentiation between sites and objects. The Act's creators divided it into five parts. Part 1 included an introduction to the Act and Part 2 referred to provincial heritage conservation. Part 3, Municipal Heritage Conservation, enabled municipalities to designate heritage sites, and Part 4 created the British Columbia Heritage Trust. Part 5 outlined information on general and transitional provisions.

The Act identifies two separate vehicles to support heritage resources: the Minister and the British Columbia Heritage Trust. Section 20(1)(g) authorizes the Trust to give support by stating that "the trust may, with the approval of the minister, provide loans, grants, advice and other services to persons in the Province having aims and objectives similar to the trust" (Province of British Columbia, 1977: 6). In a somewhat obscure fashion, Section 20(2) further states that where, "in the opinion of the minister, it is necessary to ensure that the purpose of this Act is carried out, he may exercise the powers" similarly given to the Trust (Province of British Columbia, 1977: 6).

Section 4(2) of the Act states that "[w]here designation...decreases the economic value of land, the minister shall pay to the owner of the land an amount to be determined by order of the Lieutenant Governor in Council." This amount "shall be deemed full and fair
compensation for loss or damage suffered by the owner as a result of the designation” (Province of British Columbia, 1977: 2). However, as the legislation entitles individuals compensated in this manner to spend the money however they wish, and does not require them to direct any of it toward the conservation of the building, use of this power does not necessarily support the conservation of the structure.

Although the Act received general acclaim at the time of its enactment, heritage professionals immediately recognized problems in the legislation. By 1979 the Heritage Conservation Branch and local government had undertaken the first substantial review of the Act. They identified significant potential for long term problems in the various mechanisms for conservation support, compensation and penalty provisions. For example, the Act stated that “Where designation...decreases the economic value of the building, structure or land, the council may, by bylaw, provide a grant, loan, tax relief or other compensation to the owner” (Province of British Columbia, 1977: 3).

Although this appeared to leave the issue of compensation to the discretion of the council, subsection 544(1) of the Municipal Act states that “the council shall make to owners, occupiers or other persons interested in real property entered on, taken, expropriated or used by the municipality in the exercise of any of its powers, or injuriously affected by the exercise of any of its powers, due compensation for any damages beyond any advantage which the claimant may derive from the contemplated work” (Province of British Columbia, 1993: 274). The Act did not necessarily protect local government from this
obligation. Because of this ambiguity, many municipalities restricted their use of the power of designation.

Ministry reorganizations profoundly complicated the process to amend the Act; in 1978 the Heritage Conservation Branch (and the Act) moved from the Ministry of Recreation and Conservation to the Ministry of the Provincial Secretary. That ministry was responsible for over 80 statutes, and this situation resulted in fierce competition for attention. Between 1979 and 1986, several attempts to amend the Act failed, due to the complicated nature of the document and a general lack of enthusiasm within the ministry.

Then, in 1986, another reorganization resulted in the creation of the Ministry of Tourism, Recreation and Culture, with the Honourable Bill Reid as Minister. This ministry governed virtually no statutes except for the *Heritage Conservation Act* and the *Museum Act*. The enthusiastic, entrepreneurial attitudes of the ministry leaders convinced heritage advocates that the process of amending the Act could move forward, and in September 1986, the Union of British Columbia Municipalities passed a resolution calling for major changes to the heritage legislation.

2.10 **CITIZEN-DRIVEN LEGISLATION**

In early 1987, the Project Pride task force, chaired by then-MLA Kim Campbell, held a series of public hearings and town meetings that represented the largest public consultation process regarding heritage ever undertaken in Canada (Province of British Columbia, 1994, *Introduction*: 2). Later that year, Project Pride presented its report.
Stewardship and Opportunity to the public. This report outlined various comprehensive policies, programs, and legislation, and endorsed potential changes to the existing heritage legislation. The report identified the following themes:

- The Province did an inadequate job of managing its heritage;
- A new approach was needed to encourage First Nations involvement;
- The heritage conservation 'tool kit' available for local government was inadequate;
- Heritage conservation required better integration with other statutes regarding environmental planning, land use planning and resource management;
- Additional conservation support tools were required;
- More balance and fairness were necessary in order to protect the rights of property owners; and
- The legislation required tougher penalty provisions for offenders (Province of British Columbia, 1987).

Stewardship and Opportunity called for changes to the legislation that would enable municipalities to “provide subsidies and other incentives for retention, development and protection of private heritage property.” It also called for heritage legislation provisions that would allow municipalities to “offer incentives for the conservation of heritage property, for example: direct financial assistance, tax relief, transfer of development rights, mortgage guarantees, relaxation of building, fire and zoning codes and legislation, and others” (Province of British Columbia, 1987: 100).
Following intergovernmental ministry consultation, in 1990 the ministry released a White Paper entitled *Towards Heritage Legislation*, outlining proposals for change. The ministry received comments on this document through a series of consultations and discussions with various heritage advocates, local government, affected professional groups and the development industry. The issue of support tools was never a controversial topic in the proposals; however, some debate occurred regarding the issue of whether the Province should mandate these tools or leave them to the discretion of local governments.

In 1991, the ministry under the Social Credit government released a second White Paper, including a draft bill and a ‘plain language’ translation outlining local government powers, and received additional comments on the document. After the 1992 election, NDP Minister Darlene Marzari expressed concern about the substantive changes raised in the proposed legislation, and about related aboriginal issues. At that point, the project’s supporters capitalized on the strength of Project Pride and its subsequent review process, which demonstrated a solid foundation of detailed consultation with the Union of British Columbia Municipalities, the Planning Institute of British Columbia, the Urban Development Institute, the Heritage Society of British Columbia and various other heritage organizations and legal groups. Without this extensive public review process, the legislation may never have continued beyond this point.

2.11 BILL 70 AND BILL 21

In 1993, the Province released Bill 70 to give the public another chance to contribute, and received positive comments on the document from various sectors, including the
development community, municipalities and heritage advocacy groups. Under the
direction of the previous government, the Province had anticipated a negative reaction at
the political level from particular special interest groups. An important feature of the
proposed legislation was that it attempted to define the boundary between public rights
and private property rights. However, the NDP and Social Credit governments held
fundamentally different philosophies on the role of government in planning, and to what
extent it could override private property rights. For this reason, the legislation’s creators
deliberately avoided a particular ideological or partisan basis. As a basic principle, they
attempted to establish powers that enabled local government to use the support tools,
rather than directing them to take any particular action. Since significant response and
negotiation had already taken place in the context of the two White Papers, Bill 70
included few surprises, and most interested parties were anxious for it to pass through the
legislature.

Bill 70 represented a comprehensive rewrite of the Act, thereby solving the problem of
definition differences between it and the Municipal Act. However, not having a consensus
on First Nations support of aboriginal issues, the government decided to include only the
changes for which it had general endorsement, or ‘minimum consensus’. In response, the
Province created Bill 21, a series of amendments that did not affect the Act’s structure or
terminology, and that retained many of its original features. However, Bill 21 contained
significant changes to the Act, along with a full package of municipal powers that were
similar to those introduced under the previous government. In April of 1994 the Province
introduced Bill 21, and at 2:00 a.m. July 5, 1994, after 19 hours of debate, the heritage legislation passed through the House.

The Heritage Conservation Statutes Amendment Act outlines important changes to local government authority through the creation of a new Part 30 of the Municipal Act, and amendments to Part XXVIII of the Vancouver Charter. The second segment of the new legislation includes substantive amendments to the Heritage Conservation Act, which defines the powers of provincial ministries. The amendments give local government a wider range of tools for the conservation of heritage resources. The legislation also includes changes to various other statutes.

2.12 SUMMARY

The Heritage Conservation Statutes Amendment Act evolved from several previous pieces of legislation, including the Indian Graves Ordinance; the Historic Objects Protection Act; the Archaeological and Historic Sites Protection Act (1960 and 1972); the Municipal Act, Section 714A; the Heritage Conservation Act; and Bills 70 and 21. The process of developing the new legislation took approximately eight years, although heritage professionals had identified various deficiencies in the Heritage Conservation Act as early as 1979. Today, its creators claim that, while no legislation is perfect, the Heritage Conservation Statutes Amendment Act may be the most progressive of its kind in Canada. However, the Act’s effectiveness still depends largely its acceptance by both the general public and local government bodies. The following chapter includes a detailed review and discussion of the various powers extended to local governments by the Act.
CHAPTER THREE

SUPPORT TOOLS PROVIDED BY THE LEGISLATION

3.1 INTRODUCTION

The *Heritage Conservation Statutes Amendment Act* made significant improvements to heritage conservation legislation in British Columbia. The legislation’s general policies represent four key principles:

1. An attempt to achieve a fair and effective balance between private property rights and the objectives of the larger community.
2. Better integration of community heritage planning into standard local government planning processes, to reduce the occurrence and need for last-minute crisis response management.
3. More incentives and special provisions to encourage and facilitate heritage stewardship.
4. Realistic penalties for those who unlawfully damage or destroy protected heritage resources (Province of British Columbia, 1989: 6).

The Act authorizes local governments to establish programs for heritage conservation. Community-based decisions regarding conservation no longer require provincial approval.
The Act at once creates specific restrictions on property rights, and extends an innovative set of rights to property owners. For example, the legislation provides a maximum criminal penalty of $50,000 ($1,000,000 for corporations) or two years’ imprisonment for individuals convicted of serious offences against protected heritage property. If an individual fails to comply with the requirements and conditions of a heritage alteration permit or acts without authorization of such a permit, local governments can now apply to the Supreme Court to require that the individual restore the property to its original condition, or undertake compensatory conservation work on the property.

At the same time, the legislation includes improved procedural rights for private property owners. These include: more effective public notice procedures; compensation for designation; time limits for temporary heritage protection and the requirement of a warrant to conduct a heritage inspection. Private property owners also have access to an ombudsman if there is a conflict. By protecting private investment in heritage properties, the legislation promotes building rehabilitation as an alternative for property owners.

3.2 NEW CONSERVATION SUPPORT TOOLS

The legislation includes various methods for local governments to provide financial and non-financial support for heritage conservation. These support tools encourage public investment in conservation as a means of accruing public benefits, rather than merely grant subsidies to individual heritage property owners.
3.2.1 Tax Exemptions

Through tax exemption, the legislation gives local government the means to financially assist owners of heritage properties by providing them with a full or partial exemption of their property taxes. This helps reduce the impact of the increase in property taxes that may result as improvements increase the value of a property.

Section 400.1 of the *Municipal Act* enables local government to grant tax exemptions for heritage properties. In this section and Section 400.2, ‘eligible heritage property’ refers to designated property, or property subject to a heritage revitalization agreement or heritage conservation covenant. The section states that a council may “exempt all or part of the eligible heritage property from taxation” or, in cases of real property, “exempt an area of land surrounding the exempted property.” By bylaw adopted by 2/3 of the votes cast, local government can grant a tax exemption for one calendar year, or, with the assent of the electors, for a maximum period of ten years.¹

Provision of the exemption is subject to the approval of the electors. To determine this, local government must publish a notice regarding the exemption in at least two issues of a newspaper, at least thirty days before adopting the bylaw. The notice must identify the eligible heritage property, describe the potential exemption, and state that the council may

¹ Section 819.2 of the *Municipal Act*, the wording of which is identical to Section 400.1, creates regional district authority to grant tax exemptions for heritage properties as well. In addition, Section 819.3 allows regional district boards to require a tax exemption be repaid if an owner destroys or alters a heritage property after receipt of the exemption. The wording of this section is similar to *Municipal Act* Section 400.1 and Section 400.2.
adopt the bylaw after thirty days "unless more than 1/20 of the electors petition the council to obtain the assent of the electors." At the same time, the local government must post the notice for public inspection in the local municipal hall during its regular office hours. If, after meeting these conditions, fewer than 1/20 of the electors have petitioned the council, the local government approves the bylaw (Province of British Columbia, 1994: 36-37).

If, after receiving a tax exemption, an individual destroys or alters a heritage property without proper authorization, Municipal Act Section 400.2 authorizes the council to require the property owner to pay "an amount equivalent to the total taxes exempted under the bylaw plus interest...compounded annually." By bylaw adopted by at least 2/3 of the votes cast, council may either require the owner to pay the amount or waive the owner's financial obligation. By failing to adopt a bylaw within one year of becoming aware of the situation, the council waives the owner's financial obligation. As a method of repayment, the council may "add the amount...to the taxes for the current year payable to the municipality" or make other agreements with the owner regarding repayment (Province of British Columbia, 1994: 37).

3.2.2 Monetary Grants

Monetary grants are a form of direct financial support available to property owners. The use of this tool is subject to the availability of financial resources in a community, and to the belief of local government that this method is the best means to meet the needs of a private property owner to support investment in the conservation of a particular building.
Since many local governments put a low priority on heritage, there often exists a lack of political will to dedicate financial resources to heritage conservation. However, several municipalities, including Victoria, Saanich and Vancouver, operate grant programs.

An amendment to section 269 of the *Municipal Act* enables councils to contribute financial and other support for the conservation of heritage property. The section now states that "despite section 292, a council may, by a vote of at least 2/3 of the votes cast, provide, subject to any terms and conditions the council considers appropriate, financial and other assistance" for the conservation of eligible heritage property (Province of British Columbia, 1994: 35). (Section 292 prohibits councils from granting financial assistance to industrial and commercial undertakings.)

3.2.3 Expedited Approvals and Technical Support

Support services are an effective means of providing non-monetary support to private property owners. In particular, communities that lack sufficient monetary resources to offer financial incentives can make effective use of these provisions. Support services can range from technical advice and program coordination to ‘one-stop shopping’, or priority routing of necessary approvals. Staff of local governments can also assist private property owners in dealing with technical questions and meeting complex regulatory standards.

Section 287 of the *Municipal Act* authorizes the council "to do anything incidental or conducive to the exercise of an allotted power" (Province of British Columbia, 1993: 159).
Section 734 of the Municipal Act gives local government the power to govern building permits. It states that the council may, for the health and safety of persons and property, “regulate the construction, alteration, repair or demolition of buildings and structures” (Province of British Columbia, 1993: 347).

Section 1005 of the Municipal Act authorizes local governments to define the procedures under which property owners may apply for an amendment to a bylaw or for the issue of a heritage alteration permit. The section further states that councils may vary time limits for individual reapplications for bylaws by an affirmative vote of at least 2/3 of the votes cast. The local government must consider every heritage alteration permit application. In addition, the applicant “is entitled to have the local government reconsider the matter without charge” (Province of British Columbia, 1994: 52).

One way in which a municipality could expedite the approval process for heritage conservation projects is known as the “green door policy”. With this system, a municipality ensures that city staffs give priority status to proposals and projects dealing with eligible heritage properties. Because of the numerous different permits required for rehabilitation, heritage conservation often represents more bureaucratic delays than other types of development. Although the green door policy does not provide a short cut through the approval process, it can help reduce the waiting period caused by planning delays. The policy is touted as an important tool for municipalities with limited financial resources that wish to promote heritage conservation. It gives eligible property owners an
incentive to conduct appropriate heritage conservation practices. The green door policy represents zero revenue loss to municipal accounts, although property owners whose applications are delayed in favour of heritage proposals may experience some additional cost as a result (Province of British Columbia, 1991: 26-27).

Section 291 of the *Municipal Act* presents a barrier to the effectiveness of this type of tool. It states that “unless otherwise specifically provided in this Act”, councils may not grant “a charter giving a right, franchise or privilege”, or exempt or remit taxes, rates or rents (Province of British Columbia, 1993: 161). This section restricts the granting of privileges such as the green door policy. However, as section 269 was amended to authorize council to contribute “financial and other assistance” for heritage conservation, it appears to override this limitation by allowing technical aid.

3.2.4 Heritage Density Bonuses and Other Zoning Provisions

Heritage density bonuses represent another incentive for owners to invest in the conservation of heritage buildings. Local government can grant a property owner additional density (according to established guidelines); the extent of conservation required on a particular building helps to determine the allowable density amount. The owner may construct this additional density on the same property as the heritage building or on an adjoining property.

Density bonuses can be a useful support tool for heritage conservation, in that they do not represent a financial burden to local government. However, the effectiveness of this
support tool depends on the supply and demand for construction of developable land in a given area. Therefore, density bonuses are generally only useful in areas that are under-zoned. In addition, transferring density often creates additional demands on local government to establish services and resolve parking and traffic problems.

Under the new legislation, Section 963.1 of the Municipal Act states that zoning bylaws may “establish different density regulations for a zone, one generally applicable for the zone and the other or others to apply if the applicable conditions are met.” To receive a higher density, the owner must meet certain conditions related to “the conservation or provision of amenities, including the number, kind and extent of amenities” (Province of British Columbia, 1994: 49). This enables local government to develop a bylaw establishing conditions under which it can offer bonus densities as a support tool to encourage investment in the conservation of heritage property.

Through zoning to permit new uses, heritage properties can accommodate more appropriate or profitable uses than had been previously allowed. They can remain in the existing building, or relocate within an addition or some other development on the site. In the case of additions or new development, local government must ensure that the design of these changes is compatible with the property’s original heritage structure.

As zoning to permit new uses is a discretionary tool, its effectiveness depends largely on the fairness and expertise of local government. In addition, the local government must ensure that the actions of the private property owner are consistent with the heritage
conservation objective in exchange for rezoning. Local government can gain this assurance from heritage designation, easements or design control through development permits.

*Municipal Act* Section 970(9) enables local governments to allow alterations to non-conforming buildings that constitute protected heritage property. Many of these buildings were constructed before the adoption of the existing bylaws. If the use and density of the building conforms to a bylaw but its siting, size, dimensions, or number of offstreet parking or loading spaces do not, the building “may be maintained, extended or altered to the extent authorized by subsection (10)” (Province of British Columbia, 1994: 49).

Subsection (10) further defines this extent: “the repair, extension or alteration is permitted or authorized in accordance with the provisions governing the heritage protection of the property” (Province of British Columbia, 1994: 49).

Section 1021 of the *Municipal Act* authorizes local governments to modify the land use provisions set out in heritage revitalization agreements. Along with a provision allowing local governments to regulate the timing of the actions required by the agreement, Section 1021 states that local governments may “change or supplement provisions of...a rural land use bylaw” including use, density, siting and lot size. The section also allows local governments to “vary or supplement” provisions of the following: a bylaw concerning land use designation, development cost recovery, subdivision and development requirements; a permit under Part 29 of the Act; or a bylaw or heritage alteration permit under Part 30 of the Act. To control the use of this power, the section requires local governments to hold a public hearing before entering into or amending a heritage revitalization agreement that
would permit a change to a use or density that is not otherwise authorized by applicable

*Municipal Act* Section 1027 states that local governments “may issue a heritage alteration
permit authorizing alterations or other actions”. The permit may “vary or supplement”
provisions of a bylaw. Use of this power is subject to the following restrictions: it may not
vary the use or density of the structure, or flood plain specifications; and in heritage
conservation areas, the permit must adhere to established guidelines. If a local government
refuses to issue a heritage alteration permit “for an action that...would not be consistent
with the heritage protection of the property”, and this prevents the use or density of land
allowed under the applicable zoning, the local government “must inform the applicant of
the requirements or conditions under which [proposed] use or density...would be allowed”

3.2.5 Building Code Equivalencies

The *British Columbia Building Code* requires that developers bring a building up to full
compliance with the code when undertaking an adaptation or rehabilitation project. Many
of these requirements are difficult to incorporate into heritage structures. Local
governments can support investment in heritage conservation through alternating the
means of achieving the required degree of safety standards for heritage buildings. They
can predetermine these adjustments or make them on a site-specific basis (Province of
British Columbia, 1991: 25). Please refer to Table 1 for a comparative survey of the
heritage conservation support tools provided by the *Heritage Conservation Act* and the *Heritage Conservation Statutes Amendment Act*.

### TABLE 1  COMPARATIVE SURVEY OF HERITAGE CONSERVATION SUPPORT TOOLS PROVIDED BY THE LEGISLATION

<table>
<thead>
<tr>
<th></th>
<th>Heritage Conservation Act</th>
<th>Heritage Conservation Statutes Amendment Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Exemption</td>
<td>a one-year exemption could be granted under section 400</td>
<td>exemptions up to ten years are authorized under section 400.1</td>
</tr>
<tr>
<td>Monetary Grant</td>
<td>through a foundation</td>
<td>directly or through a foundation</td>
</tr>
<tr>
<td>Waiver of Application Fees</td>
<td>questionable</td>
<td>yes</td>
</tr>
<tr>
<td>Heritage Density Bonus/ Zoning to Permit New Uses</td>
<td>through rezoning</td>
<td>through rezoning, bonus zoning, heritage revitalization agreement</td>
</tr>
<tr>
<td>Other Regulatory Flexibility</td>
<td>through development variance permit</td>
<td>through development variance permit or heritage alteration permit</td>
</tr>
<tr>
<td>Support Services</td>
<td>unclear</td>
<td>yes</td>
</tr>
</tbody>
</table>

### 3.3 SUMMARY

The legislation includes several new mechanisms that enable local government to offer more powerful support tools to property owners, such as:

- Full or partial tax exemptions of up to ten years;
- Direct monetary grants;
- Non-monetary support (technical advice, priority routing of applications, etc.);
- Density bonuses and other zoning provisions to permit new uses;
- Special consideration under the *British Columbia Building Code*; and

The Heritage Conservation Statutes Amendment Act extends various powers to local governments that had not previously been available. These powers include support tools that enable local governments to encourage investment in heritage conservation of private properties. The following chapter includes an assessment of the effectiveness of these support tools, through a consultation process with thirteen heritage planners located throughout British Columbia.
CHAPTER FOUR

CONSULTATIVE PROCESS AND RESULTS

4.1 INTRODUCTION

This chapter outlines the development of a research framework for assessing the effectiveness of the heritage conservation support tools available in British Columbia. The chapter also provides an analysis of the results of a consultative process involving thirteen selected heritage planning professionals in British Columbia, regarding the effectiveness of the available heritage conservation support tools.

4.2 METHODOLOGY

4.2.1 Consultative Format

The consultative process conducted for this thesis is complementary in nature to those undertaken by two previous students at the School of Community and Regional Planning. The first, written by Allison Habkirk and entitled “Local Government Heritage Planning Legislation in British Columbia”, investigates and reviews the community heritage planning policies of the Provincial white paper Toward Heritage Legislation, according to the views of professional heritage planners in British Columbia. In the second, “The Use of Heritage Conservation Tools in the Lower Mainland of British Columbia”, author Timothy Savoie examines the practice of heritage conservation and identifies the heritage conservation tools used by a number of selected Lower Mainland municipalities.
Collecting the biases, opinions and experiences of working planners provides a legitimate perspective of what does and does not work in the practice of heritage conservation.

The first section of the questionnaire focused on determining the degree to which planners were familiar with the range of financial and non-financial support tools available in the Heritage Conservation Statutes Amendment Act. Planners answered questions about which tools they had used in the Act, and if they believed that the Act had given them a useful range of powers to support investment in heritage conservation.

The questionnaire attempts to determine the importance of the political will of local governments to support investment in the conservation of privately owned heritage properties. The legislation may extend a very useful range of tools to municipalities, but a lack of political will to make use of those support tools severely compromises their effectiveness. For each support tool, planners contributed comments regarding how local government influences its effectiveness.

The questionnaire also addresses the issue of the usefulness and accessibility of the Act. Planners commented regarding the advantages and disadvantages associated with using each of the support tools in the legislation.

The author contacted all thirteen selected interviewees by telephone to obtain their consent to participate in the consultative process. The planners received assurance that their responses would remain confidential, and each participant received a preliminary
copy of the questionnaire before conducting the consultation. The interviews lasted for approximately one-half hour each, and took place over a period of one week. This approach is somewhat limited by the recent date of the legislation’s enactment (July 1994) and the limited size of the consultative sample.

4.2.2 Consultative Sample

The consultative sample consisted entirely of municipal staff, either heritage planners or planners responsible for heritage tasks. The author selected the majority of the interviewees off a participant’s list from a workshop entitled “Changing the Legislative Context for Heritage Conservation in British Columbia”. It is important to note that the sample was not a random one, it exhibits a bias towards the larger Lower Mainland municipalities, many of which have established heritage programs in place. Therefore, the sample represents those communities most committed to and supportive of heritage conservation.

4.2.3 Interview Questions

The survey asked respondents to indicate their familiarity with the range of support tools in the Act, and to estimate the amount of time they have spent studying the legislation. They indicated which support tools they have implemented in their heritage conservation work, and why they have chosen these tools over the others available. The participants also indicated which support tools they consider the most acceptable to local councils and staff, and to the general public. They answered similar questions regarding tax exemptions, monetary grants, support services, heritage density bonuses and building code.
equivalencies. Finally, the respondents recommended ways to improve the existing range, availability or effectiveness of the heritage conservation support tools that the Act provides to local governments in British Columbia.

4.3 ANALYSIS

4.3.1 Property Tax Exemptions

Of the respondents, seven had no knowledge of or experience with the use of tax exemptions as a heritage conservation support tool; therefore, they were not able to contribute a significant amount of commentary on the issue. Eleven of the thirteen planners noted that local councils were reluctant to take action regarding the provision of full or partial tax exemptions, which both council and staff see as a "very sensitive issue". One planner stated that her local council has demonstrated "concern regarding the setting of precedents, fairness to taxpayers, and lack of city policies regarding if, when and how much of an exemption is appropriate" in a certain situation.

Three of the respondents noted that tax exemptions seem more "palatable" to local councils than direct monetary grants; they see exemptions as a means of avoiding the direct revenue loss resulting from the provision of grants. However, another planner noted that his local council considers the exemption of property taxes similar to giving grants, as it represents the same net effect to municipal accounts. Three of the respondents also noted that, for most heritage conservation projects, tax exemptions alone do not represent an adequate incentive for investment in heritage conservation.
4.3.2 Direct Monetary Grants

Four of the respondents indicated that their municipalities make direct monetary grants available to private property owners through local heritage foundations. One respondent noted that heritage foundations are “strongly supported” in that municipality, with a significant amount of its overall grant budget allocated to heritage organizations. The other three respondents who have experience with heritage foundations noted that shrinking budgets and the limited nature of available funds prevents them from providing an adequate incentive to private property owners to properly restore heritage buildings.

In the nine municipalities that do not support the use of this tool, respondents noted that councils allocate limited public funds according to a community’s competing needs and priorities. Many members of the public have difficulty understanding the public value of heritage restoration of private properties; therefore, councils often simply do not view conservation as a high priority. One planner suggested that the provision of monetary grants may raise the expectation that individuals or organizations can return repeatedly, “cap in hand”, for financial assistance, thereby becoming dependent on municipal funding rather than raising the financial resources themselves. Seven of the thirteen planners also cited a public perception of inequity, stemming from the fact that private property owners, who may not be the most in need, benefit from the receipt of public funds. For this reason, two respondents noted that their municipalities are exploring opportunities to establish funding sources with private rather than public funds.
One planner mentioned that many municipalities are composed as much as eighty percent of single family homes. The monetary grant is most effective at reaching the owners of these types of heritage properties, who otherwise would have a limited range of support tools available to them. In some municipalities, eligibility criteria requiring a house’s listing on a heritage register can contribute to the general public’s perception of unfairness. Many people take pride in their homes, and invest time and financial resources in their upkeep. It is difficult for a homeowner to come to terms with the fact that his or her unlisted heritage home does not qualify for financial assistance, while the similar house next door may be eligible, simply because it is on the heritage register.

A municipality’s eligibility criteria may also require the designation of a property in order for property owners to access grant funding. Some private property owners view designation as a sufficiently negative factor that they would forego financial assistance while continuing to invest in the conservation of the heritage property. (This again brings into question the equity issue; if certain property owners can continue with heritage conservation regardless of financial assistance, this reinforces the public perception that local governments are contributing public funds to property owners who may not require the assistance.) However, four of the planners specifically cited the ability to intervene on behalf of a threatened heritage resource as one of the advantages of using monetary grants as a support tool. By requiring owners to satisfy eligibility criteria to obtain a grant, the municipality can achieve the permanent protection of the building.
Along with the designation component, four of the planners noted that the effectiveness of monetary grants depends on a well-structured program with explicit guidelines. For example, local governments must establish heritage conservation standards that outline the appropriate use of modern materials, the degree of acceptable structural change, and the desired degree of restoration that property owners must comply with before payment of the grant. This in turn raises the issue of devoting limited staff time to “policing” the heritage resources to ensure that property owners adhere to the standards.

Four of the planners described the monetary grant as a pivotal support tool that could mean the difference between a private property owner retaining or demolishing a heritage resource. In addition, seven of the planners consider grants effective support tools for owners to invest in authentic, and often more expensive, materials when restoring a heritage building. One respondent cited the “leverage factor”, noting that property owners often invest ten times more of their own financial resources into the project as the original amount of the grant. Another planner noted that municipalities recoup much of the revenue that they contribute for owners to make improvements to their properties, through the resulting increased property tax assessment.

The provision of monetary grants by municipalities also demonstrates a willingness to assist and a feeling of goodwill towards private property owners, and “raises the profile” of the benefits resulting from heritage conservation. Making the effort to grant recognition and a financial token of appreciation to those who invest in heritage conservation can
demonstrate the value of heritage to the community. In addition, as one planner stated, demonstrating a municipality's support for heritage conservation creates "an opportunity for media promotion and positive public relations for local government." Municipalities can also dedicate monetary grants to fund public education and community outreach programs regarding heritage conservation issues such as appropriate building styles and materials, thus providing the public with accurate information when repairing and restoring heritage resources.

4.3.3 Waiver of Application Fees

Nine of the thirteen respondents have not offered a full waiver of application fees or other charges in their municipalities. However, four of those nine planners have offered a reduction of these types of fees in exchange for providing some measure of protection to the building.

In the five municipalities that do not support the use of this tool, planners again cited local governments' reluctance to set a precedent, fearing that "everyone will expect it". One planner noted that the limited number of heritage resources in that community helped to alleviate the precedence issue, and increased the tool's attractiveness to council and the general public.

4.3.4 Heritage Density Bonuses and Zoning to Permit New Uses

Many respondents considered heritage density bonuses and zoning for new uses among the most effective and politically acceptable support tools available to local governments
as they represent no direct cost to the municipality. One planner suggested that these tools “bring the management of heritage conservation into the mainstream of community planning.” These tools can potentially provide local governments with a “bargaining tool” that represents a significant financial support tool to owners and developers of heritage properties. Local governments can grant a benefit equal to money to a property owner, who can sell or build with the density. One council recently granted staff the power to increase the density of a heritage conservation site by ten percent without requiring a public hearing.

Heritage density bonuses and zoning to permit new uses can make heritage conservation an economically feasible activity. In addition, use of these tools can effectively enhance a developer’s or property owner’s public image and reputation if the public perceives him or her as sensitive to community needs or neighbourhood character. One planner stated, “Often, our best friends are developers because of this support tool.” Another said, “Heritage density bonuses help municipalities preserve heritage buildings, and they benefit the builder and the community—it’s a win-win situation.” However, as residents tend to oppose the development impacts of extra density in neighbourhoods, effective use of this tool requires that planners make every effort to minimize disruption and ensure compatibility with these types of areas. Seven of the planners noted the difficulty and importance of reassuring residents that extra density in their neighbourhoods could be beneficial. As one respondent said, “Sometimes the needs of the neighbourhood are just more important than heritage conservation.”
Of the seven respondents who had no prior experience with heritage density bonuses and zoning for new uses, four simply have not yet had the opportunity to use these tools, because of a lack of development activity in their communities. As one planner noted, "We encourage the use of heritage density bonuses; however, we have not yet received a proposal [where it would be appropriate]." Another barrier to the effectiveness of this support tool is the fear of local councils to set a precedent, and a reluctance to infringe on private property rights.

When using these types of support tools, planners must consider the impact that density will have on the existing heritage resource. Extra density that is out of context or insensitively placed can negate the benefit of retaining the heritage building. Common concerns include inappropriately scaled bulk that overwhelms the existing scale of the building, or the retention of only a building’s facade with higher density behind. As one respondent stated, "It can work for you or against you." As well, the public may question the fairness of transferring density from a heritage property to a remote location, possibly across the city, thus subjecting those residents to extra density without the benefit of enjoying the heritage resource.

4.3.5 Other Regulatory Flexibility

Used by all seven of the respondents who had experience with regulatory flexibility, relaxation of the sometimes "onerous burden" of parking requirements appears to be the
most common form of this tool. This is worth noting considering the wide range of regulatory relaxation that are available.

If a protected heritage property's use changes, many municipalities waive or reduce the required amount of parking, in exchange for the retention of heritage features. Use of this tool involves a "delicate balance" between the needs of neighbourhood residents and the desire to use support tools for heritage conservation. For example, residents may support the idea of a particular project, but they may not wish to deal with the reality of increased street parking as a result of the relaxed requirements. As one planner stated: "People can accept some degree of relaxation of requirements, but only if they are not negatively affected."

4.3.6 Support Services

Eleven of the thirteen planners view support services as another cost effective way to express appreciation to the public for their support of heritage conservation. When asked to describe some of the advantages they had experienced when providing these support services, planners cited an increased public awareness and support for heritage conservation, resulting in the retention of more heritage resources and a higher standard of restoration. In describing the positive effect that support services can have on the community, one planner said, "Support services give the public the sense that someone in City Hall cares. If a property owner feels that no one cares whether the property is saved or demolished, he or she is less interested in preserving it."
All the eleven respondents who have experience with providing support services have offered free technical advice as a means to educate owners of heritage properties regarding proper treatment and restoration. As the provision of technical advice represents a time investment rather than an output of public revenue, this is a low profile but high powered tool for heritage conservation. Educating private property owners about technical issues enables both parties to save time and difficulty by avoiding heritage battles and preventing problems, such as the application for demolition permits, from arising. (Two of the planners noted the difficulty of satisfying the public's high expectation of these planning support services, along with the perception that "the more we do, the more the public expects us to do.") This type of "personal consultation" between the municipality and private property owners enables them to share their perspectives on a particular project. Three of the planners noted the importance of providing qualified staff familiar enough with the principles and practices of heritage conservation to disseminate this type of advice. One respondent cited a need for easily accessible, "plain language" information to educate property owners regarding regional architectural styles, appropriate materials and colours, and resource guides for heritage conservation services and suppliers.

According to participants, the usefulness of providing priority routing of applications, such as the green door policy, often depends on the relative size of the municipality, as well as the complexity of the project. In the eight municipalities that do not experience a high volume of applications, "fast tracking" applications does not represent an effective support
tool, as planning staff can handle all projects fairly efficiently. Applications for heritage conservation projects often involve considerable negotiation among the applicant, planning staff and neighbourhood residents, thus complicating the process and reducing the opportunity for priority routing. It is difficult to short cut the public process, particularly if the project requires participation from various agencies and departments within the municipality. As one planner stated, “The green door policy is great in theory, but the reality is that heritage conservation complicates all aspects of a project. It is difficult to expedite such a policy with so many obstacles.” However, in Lower Mainland municipalities that have backlogs of several months’ waiting time for approvals, the green door policy can represent a useful tool for heritage conservation.

Program coordination, used by nine of the eleven respondents who have experience with support services, enables municipalities to provide unified, systematic guidance to the public. Involving other departments in heritage conservation projects can result in a larger number of heritage conservation advocates in all areas of local government. These “internal advocates” can attend meetings and act as supporters of heritage proponents. As one planner stated, “Educating municipal staff and council regarding the issues and opportunities around heritage conservation can result in more heritage resources saved from the bulldozer.” Municipalities that can afford the staff to devote time and attention to the treatment of heritage resources often intervene for private property owners to the engineering department or the building inspector.
When asked to describe some of the disadvantages they had experienced when providing support services, planners cited factors such as time pressures, limited staff resources and the lack of support for and interest in heritage conservation that remains among other planning departments and the general public. In addition, municipalities that have a small planning staff compared to the total population often find it difficult to offer these types of services. The complicated nature of many heritage conservation projects, with many issues occurring simultaneously, can sometimes cause delays. As well, municipalities sometimes receive criticism for what the public perceives as a “top-down” approach in dispensing advice and expertise.

4.3.7 Other Types of Support Services

Planners cited the following additional forms of support services offered in their municipalities:

- workshops
- walking tours
- resource guides for materials, contractors, archival records
- interpretive displays
- promotional displays
- tourist information regarding heritage resources
- research on history of local businesses
Although these types of services do not in themselves support individual private property owners, municipalities can raise the profile of heritage conservation within the general public by providing these types of indirect assistance.

4.3.8 Building Code Equivalencies

When asked whether they thought the use of building code equivalencies is a cost effective means of encouraging investment in heritage conservation, all the planners responded positively. One planner described this tool as "the only way to preserve the integrity of the resource." Rather than seeing this tool as creating an incentive, planners viewed it as a means to remove a disincentive to invest in heritage conservation. The British Columbia Building Code requires such a significant investment by property owners to upgrade their buildings, many may not believe that the retention of the heritage resource is worth the inconvenience and cost. As one planner mentioned, "If the Code had its way, a heritage building would be a new building."

All the planners agreed that building code equivalencies can help property owners offset the costs of heritage conservation and minimize damage to the structure, and allows better retention of the significant original features and finishes of the heritage resource. As with other heritage conservation support tools, the perception of fairness is an important issue. Many heritage advocates feel that the Code requires owners of heritage properties to achieve unreasonable standards of safety. Building equivalencies enable property owners to reach a reasonable standard of life safety, while addressing concerns regarding the
stability of the building. Even so, one planner admits that using this tool may result in a building that is less safe and less energy efficient than might be expected of a new building.

Fear of litigation by municipalities and building inspectors represents one of the disadvantages associated with using this support tool. As well, the lack of familiarity of the public, inspection services and building permit department staff regarding the range and implementation of the code equivalencies represents a barrier to the tool’s effectiveness. Many municipal building inspectors lack professional training or qualifications, and work under time constraints that prevent them from employing creative or flexible solutions to the structural challenges of conserving heritage buildings. They rely heavily on the Code for guidance, and make conventional judgments regarding the safety standards of heritage buildings. By educating local building inspectors about alternate means of reaching desired safety standards, and instructing them to spend the necessary time to arrive at these types of solutions, local municipalities can encourage better use of the Code as a support tool.

4.3.9 General Issues

4.3.9.1 Level of Familiarity with the Act

All the respondents indicated a familiarity with the financial and non-financial support tools included in the Act. The participants’ knowledge of the Act relates primarily to those support tools that are most politically acceptable in their municipalities, and therefore most likely to be used. Therefore, as planners only use those tools they are most familiar with,
their knowledge level is minimal regarding those they do not apply to their heritage conservation work.

The respondents estimated the amount of time they had spent studying the legislation and reviewing the explanatory materials related to the legislation. Four of the respondents indicated early involvement during the development of the legislation, and therefore had spent significantly more time studying it than had the planners whose involvement began only since the legislation’s enactment. Of those planners, responses ranged from a low figure of approximately thirty hours to a respondent who has devoted sixty percent of her professional time reviewing and interpreting the legislation since its enactment. One respondent claimed a knowledge of the legislation “by heart”, while another stated, “I know it’s there if I need it; otherwise, I forget about it. Heritage is not a priority here; we get to it as time permits.” This range is attributable to the fact that the sample contained both full time heritage planners and planners responsible for heritage activities along with other general planning tasks.

4.3.9.2 Usefulness of the Tools

All the planners believed that the Act has provided local governments with a useful range of tools for heritage conservation. None of the planners suggested any provincial legal tools that are not currently available in the legislation, or significant technical barriers to their use. Four of the thirteen respondents expressed frustration with the fact that although the legislation is extremely powerful, local councils fear the consequences of acting without precedent, and are therefore hesitant to use many of the support tools. Because
the legislation is largely enabling in nature, it places the onus on local governments to
determine the extent to which they will use it. In municipalities where heritage is not a
high priority, the lack of political will to invest in the conservation of private heritage
properties represents a real barrier to the effectiveness of the legislation. One respondent
noted that “Councils are quite fearful of what they don’t know. Our council is still waiting
to see what other governments do [regarding the new legislation].” This type of “wait-
and-see” attitude by municipalities is not unique to the practice of heritage conservation,
although as heritage suffers from a lack of high profile public support, this perception may
affect it to a greater degree than other planning activities.

4.3.9.3 Degree of Use

The survey asked respondents to indicate which support tools they have used in their
heritage conservation work. Of the entire sample, only one planner indicated prior use of
full or partial tax exemptions, although five respondents stated that they are advocating
the use of this support tool for future heritage conservation projects. Three respondents
cited the use of direct monetary grants, generally through local heritage conservation
foundations. Five planners have used heritage density bonuses and zoning to permit new
uses to encourage investment in heritage conservation. Four participants have offered a
waiver of expenses such as application fees or development cost charges. Seven
respondents noted the use of regulatory flexibility, as with parking requirements or
signage. Used by a total of eleven respondents, support services, such as the provision of
free technical advice or the priority routing of applications, represents the most popular
support tool. Please refer to Table 2 for a detailed survey of the support tools used by each municipality.

TABLE 2 SURVEY OF TOOLS USED (BY MUNICIPALITY)

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<th>Tax Exemption</th>
<th>Monetary Grant</th>
<th>Waiver of Application Fees</th>
<th>Heritage Density Bonus/Zoning to Permit New Uses</th>
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4.3.9.4 Reason for Use

The survey asked planners to describe why they had chosen these support mechanisms (over the others available in the Act) as tools to encourage investment in heritage conservation. Again, the respondents cited the presence or lack of political will as a significant factor. This level of acceptance by local governments seems most influenced by the monetary or non-monetary nature of each tool; councils appear reluctant to dedicate public funds toward heritage conservation when other tools are available that do not require the expenditure of city revenue. Given the economic realities of local municipalities, the popularity of non-monetary support tools far exceeds that of financial support tools.
The perception of inequity and fairness is also an important issue. Local councils realize the political difficulty of justifying the financial assistance of private property owners who may not "deserve" it, by requiring taxpayers to subsidize the restoration of valuable buildings. The public may feel that it is unfair to offer heritage conservation support tools to certain property owners when they are unavailable to others.

Several planners also cited ease of administration, implementation, flexibility and "expeditiousness" as important factors that determine the usefulness of the various support tools provided in the legislation. Several planners mentioned that they felt it is the responsibility of the Province to educate local governments regarding the provision of support tools. One planner said, "the Province provided many support tools and enforcement mechanisms, yet it did not distribute a 'how-to' handbook. Too much time was spent describing all the new tools over and over, when local governments really needed implementation instructions." The planners did not specifically praise the Provincial handbook entitled "Heritage Conservation: A Technical Manual for Local Governments", although the manual was created in part at their suggestion and with their contributions. Apparently, the breadth of information in the handbook represents too much of a time commitment for already overworked planners, who tend to use it as a reference on an as-needed basis. The next chapter includes a discussion of the implications of these perceptions.
Many of the respondents noted the relatively short time that has elapsed since the legislation’s enactment in October 1994. They suggested that over time, local governments will take advantage of a wider variety of support mechanisms as planners, councils and the general public begin to better understand the range of available tools.

4.4 SUMMARY

All the respondents agreed that the Act has given local governments an innovative and powerful range of tools for heritage conservation. However, local councils are hesitant to act without the security of established policies, therefore presenting a real barrier to the effectiveness of the support tools. The Act’s enabling nature places the responsibility on local governments to determine how (and how much) they will use it. The lack of political will to invest in the conservation of private heritage properties significantly counteracts the effectiveness of the legislation.

With information gained from the consultation process, the following chapter includes general conclusions along with a series of recommendations for the Province to more effectively provide financial and non-financial support to encourage heritage conservation.
CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

The goal of this thesis, as described in Chapter One, has been to assess the effectiveness of the financial and non-financial support tools that British Columbia’s heritage legislation provides to encourage investment in the conservation of privately owned heritage properties. This required fulfillment of several objectives, including the following:

• to describe the historical origins of British Columbia’s current heritage legislation and the effect that particular constituencies have had on its development;

• to describe the various financial and non-financial means by which the legislation supports investment in the conservation of privately owned heritage properties in British Columbia;

• to conduct a consultative process with selected heritage planning professionals in British Columbia, regarding the effectiveness of the available heritage conservation support tools;

• to recommend ways for the Province to more effectively provide financial and non-financial support to encourage heritage conservation.

Chapter Two included a summary of the various acts that led to the development of the Heritage Conservation Statutes Amendment Act. Chapter Three described the various
support tools provided by British Columbia's new heritage legislation, and Chapter Four outlined the results of the consultative process.

Finally, this chapter provides general conclusions derived from the consultative process and recommends ways for the Province and its municipalities to improve the effectiveness of the support tools that are available to encourage heritage conservation.

5.2 GENERAL CONCLUSIONS

During the public consultation process that led to the development of the *Heritage Conservation Statutes Amendment Act*, local governments and the general public advocated that the legislation "should enable various methods for the Province and local government to give financial and non-financial support for the conservation of heritage property" (Province of British Columbia, 1989: 18). All thirteen planners contacted for the purposes of this thesis acknowledged that the Act has given local governments an innovative and powerful range of tools for heritage conservation. No planner was able to suggest a provincial legal tool that is not currently available in the legislation. Therefore, the issue lies not with the availability of the appropriate tools, nor in any technical impediments to their use, but in the reasons why local governments are not using them to their fullest advantage.

To balance public and private property rights, the legislation includes a wide range of support tools that planners can use to negotiate with property owners on an individual basis. However, in reality most planning departments are significantly understaffed, and
heritage conservation represents a low priority in many municipalities. (The consultative sample represented those communities most supportive of and involved in conservation; therefore, this response emphasizes the low political profile of heritage issues, even among those most committed.) As a result, many planners must accommodate heritage issues when they can after fulfilling other general planning duties. However, the sophisticated and complex nature of the legislation requires the direct involvement of planners with property owners. If the support tools were of a simplistic nature that required a minimum of administration and public involvement, the issue of time would not represent a significant barrier to the effectiveness of the tools. Local municipalities may have received a more sophisticated tool kit of powers than, in reality, they are prepared to use.

In addition to time constraints, informants indicated several other limiting factors: the lack of political will to support conservation; a need for technical education for planners; the low profile of heritage in the general public; and the reluctance of government, academic and professional organizations to assume responsibility for heritage conservation. The following sections outline a number of general conclusions that arose from the consultative process and further deliberation by the author.

5.3 LACK OF POLITICAL WILL

The cautious instincts of councils across the province have curtailed the innovative nature of the legislation. A common thread derived from the consultative process was the significant fear and reluctance of local councils to set any kind of precedent with the powerful tools included in the legislation. Many planners consider the legislation
progressive for the creative tools that it provides. They share a concern that establishing a precedent will start a flood of heritage conservation requests that they are simply unprepared to deal with, politically or financially. This fear of the unknown has effectively fettered the attempts of heritage planning staff to take advantage of all but the most conservative of the support tools.

Because the legislation is largely enabling in nature, it places the onus on local governments to determine the extent to which they will use it. This has proven frustrating to heritage planners; they see the powerful potential of the legislation limited by the paralysis of local councils, as each waits to see what action other governments will take. In addition, councils remain inclined towards non-interference in areas of private property rights, and are automatically suspicious of activities that they perceive as infringing on those rights.

The public perception of inequity and fairness is a significant barrier to the provision of financial support tools such as tax exemptions and monetary grants. This viewpoint stems from the fact that otherwise self-sufficient private property owners benefit from the receipt of public funds. Local councils realize the political difficulty of requiring taxpayers to subsidize the restoration of valuable buildings, and of offering heritage conservation support tools to certain property owners that are unavailable to others.

Besides the issue of inequity, councils find it difficult to justify the perceived loss of municipal revenue that results from the use of financial support tools. In an era of fiscal
restraint, local and provincial governments are cutting budgets for what they consider non-essential activities, making it more difficult for municipalities to access public funding for heritage conservation projects.

Local councils also fear litigation resulting from property rights infringement or what the public may perceive as inadequate safety standards in heritage buildings.

5.4 THE NEED FOR INFORMATION AND COMMUNICATION

Many of the planners expressed concern regarding the lack of information about how to interpret and implement the often highly complex legislative support tools. Although all the planners expressed a general familiarity with the legislation, many exhibited a lack of confidence in their knowledge and understanding of the individual support tools. They cited a need for increased regional training and networking opportunities for local governments. Many planners praised the booklet entitled “Heritage Conservation: A Community Guide”; although the Province intended it primarily for non-technical users of the legislation, the Community Guide is also a useful tool to educate planners. The absence of praise for the handbook entitled “Heritage Conservation: A Technical Manual for Local Governments” indicated that planners are not using it as often as the Community Guide. Apparently, learning and understanding the intimidating amount of technical information in the manual requires a significant time commitment which planners simply cannot afford.
Planners cited a lack of easily accessible, relevant information to increase public awareness, promote education and orient private property owners to heritage conservation issues. Existing information often takes the form of "academic" guidelines, or borrows from east or west coast cities such as Halifax or San Francisco, with architectural styles that differ from those of British Columbia. In addition, industry groups such as the Urban Development Institute, other development organizations, building inspection services and other local government departments require information regarding the new legislation.

During the consultative process, it became apparent that the various municipalities involved in heritage conservation within British Columbia are not communicating sufficiently among themselves. Often, local government staff lack the time required to formulate the necessary policies and guidelines, thus inhibiting the full range of the support tools. By sharing technical information and experiences among different jurisdictions, planners can relieve the unnecessary pressure of developing policies that may already exist elsewhere in the Province.

Increased outreach and networking opportunities among municipalities would enable local government staff to address the "wait and see" attitude that many councils have adopted regarding the legislation. Establishing communication links also allows planners to draw on the experiences of other municipalities to counteract local councils' fears regarding inequity, setting precedent and other issues.

Many planners commented on the usefulness of a recent Province-sponsored workshop, which included a presentation and discussion of several sample bylaws and an
opportunity for planners to ask questions regarding their specific situations. Although the event's organizers allocated a limited amount of time for social interchange, many participants took this chance to network with each other. Events such as this serve a dual purpose, as they provide planners with both educational and information-sharing opportunities, and support the development of a communication link among the municipalities involved in heritage conservation activities. More opportunities should be given for social interaction at these types of events, as planners can gain valuable information from their colleagues.

5.5 THE LOW PRIORITY OF HERITAGE CONSERVATION

During the consultative process, many planners referred to the difficulty of reaching private homeowners and other neighbourhood residents who often exhibit a lack of support for and interest in heritage conservation issues. Above all, local residents do not want their communities negatively affected, even if the alternative requires demolition of a valuable heritage resource. The complex and often discretionary nature of many of the support tools often involves considerable negotiation between planning staff, private property owners or developers and neighbourhood residents, to address the unique issues and constraints of each project. However, many NIMBY-related groups are suspicious of what they consider behind-the-scenes negotiations between municipalities and developers. To facilitate this type of discussion, planners cited the need to educate residents of local neighbourhoods regarding the implications of using such heritage conservation support tools as heritage density bonuses and regulatory relaxation. They also noted a need for this type of information to educate communities about the important aesthetic and historical
contributions that heritage structures make to the built environment, and of their value as a non-renewable resource.

The role of the general public presents somewhat of a conundrum to those attempting to raise the profile and priority of heritage conservation. Local councils are responsible for allocating limited financial resources according to their constituents' competing needs and desires. Because of a lack of knowledge on the issue, the public often has difficulty understanding the civic value of heritage conservation. Therefore, councils do not view it as a high priority, and do not designate an appropriate level of funding either to grant financial incentives or to employ adequate planning staff to educate the public regarding the importance of heritage conservation. One can argue that council’s primary responsibility is to react to the wishes of the public, not educate it regarding specific issues; however, the fact remains that local councils are not dedicating adequate financial resources to support conservation activities. As a result, the vicious circle continues—and heritage conservation remains outside mainstream community planning. This forces planners to be reactive rather than proactive when dealing with heritage conservation, and precludes them from planning for heritage in favour of dealing with individual crises.

5.6 RESPONSIBILITY FOR HERITAGE CONSERVATION

The assumptions expressed by the planners during the consultative process provoked further thought by the author regarding where the responsibility lies for educating professionals and the general public about heritage legislation and heritage conservation issues. It appears that several groups are reluctant to accept accountability, whether for
providing technical education to the public or swaying political will in favour of heritage conservation.

5.6.1 The Municipal Role

Planners agree that the Heritage Branch has given municipalities the appropriate tools to conserve heritage. However, a general scarcity of knowledge about how to use the support tools, and a lack of access to professional support and assistance regarding the legislation, proves frustrating to planners. The lack of political will to provide planners with the time or resources to adequately educate themselves about the various support tools presents an additional barrier. Local councils often prefer to dedicate funds to highly visible projects that will reap maximum public recognition, rather than supporting ‘invisible benefits’ such as additional heritage planning staff. However, local municipalities should realize that among themselves, they constitute a valuable resource for sharing information and comparing experiences regarding the legislation.

5.6.2 The Provincial Role

Many planners place the responsibility for providing implementation instructions for the legislation in the hands of the Heritage Branch, which they feel has not adequately provided this type of information. The Province argues that it has developed and financed much of the technical information distributed to date, including workshops and written documentation, and that its primary responsibility lies in providing the appropriate legislative tools for heritage conservation, not in supplying detailed instructional handbooks or educational services to the public. The Heritage Branch, like many other
government agencies, is under pressure to rid itself of all but the most essential duties. Although the Branch is in the business of promoting heritage conservation, some question exists regarding whether educating the public falls within the realm of a core responsibility. Whether this is the case, clearly the most efficient way for the Province to fulfill its responsibility of promoting heritage conservation is to assume a leading role in the dissemination of technical information.

Similar to the experience of many municipalities, the Province feels pressured to satisfy the high expectations of local governments and the general public, which seem to increase in relative proportion to the quality of service. As well, like local councils, the Provincial government tends to support those activities that are most visible to the public, at the expense of providing less high-profile services such as technical advice to a smaller audience. However, the fact remains that as the body of government with the most comprehensive basis of knowledge regarding the legislation, the Province is the most obvious candidate to cost-effectively disseminate and develop this type of information.

5.6.3 Heritage Advocacy Organizations

Author Marc Denhez refers to citizens’ groups as “the backbone of the Canadian heritage movement” (Denhez, 1978: 167). Comprised as they are of interested individuals from both the public and private realms, community-based heritage advocacy groups represent an important link between professional planners and the community at large. They are a significant resource for heritage planners who seek ways to educate the public about the implications of the new legislation.
The Heritage Society of British Columbia is a provincial umbrella organization that represents more than 170 groups involved with the conservation, development and promotion of heritage. As such, it can actively develop and participate in programs that include the provision of information and educational publications and services to the general public.

As a national, nonprofit, membership-based organization, Heritage Canada can enable planners in British Columbia to learn about how other provinces operate within the limits of their legislation. In the past, this group has developed tool kits and technical workshops for its work on downtown revitalization, and it remains one of the most obvious resources to help raise the profile of heritage conservation.

5.6.4 Professional Planning Organizations

Organizations such as the Planning Institute of British Columbia (PIBC) and the Canadian Institute of Planning (CIP) operate as information resources that enable planners to exchange ideas and keep informed about current theories and practices. Planning professionals pay dues to these organizations in return for this service. Heritage conservation is a legitimate planning activity; therefore, it is difficult to understand the lack of attention from these types of professional organizations.
5.6.5 Planning Schools

During the consultative process, several planners noted the effectiveness of providing support services such as technical advice to private property owners. However, they also cited a significant lack of qualified professionals who are familiar enough with the principles and practices of heritage conservation to accurately advise the public on these types of issues. Because of lack of time and its low priority in many municipalities, planners often relegate responsibility for heritage conservation to the most junior of planners, whose experience may be purely academic in nature.

Professional planning schools and other academic departments that deal with urban issues throughout British Columbia exhibit a significant lack of interest in teaching students about heritage conservation theories and practices. This is due largely to the corresponding indifference of students to educate themselves on this issue. Most schools sincerely attempt to respond to the majority of students' interests, compelling faculty to offer a fairly general curriculum. Individuals who express an interest in more specialized fields such as heritage conservation must piece together a fragmented curriculum, often relying on correspondence courses and self-directed study. These students, without benefit of adequate formal training, often go on to become the individuals most responsible for the conservation of the province's heritage resources.

5.6.6 Industry Groups and Research Organizations

By their very nature, organizations like the Urban Development Institute are in an excellent position to educate various groups, including the development industry,
regarding the benefits, principles and practices of heritage conservation. In addition, research bodies such as UBC's Sustainable Development Research Institute can explore the many ways in which heritage conservation furthers the principles of sustainability.

5.7 RECOMMENDATIONS

Consultation with planners from across the province provided a significant amount of commentary regarding how to improve the effectiveness of the support tools included in the new legislation. As a result of those discussions, the following section outlines a series of specific recommendations that would alleviate some of the most significant barriers to the use of the tools, and to the practice of heritage conservation.

5.7.1 Networking and Communication

A flagship Internet web page should be created as a medium for communication and education. Using this networking tool, planners would communicate through e-mail, compare ideas and experiences, exchange professional and technical information and conduct general heritage planning discussions. (The Bronfman Foundation has created a web page entitled “The Heritage Project”, directed towards providing educators with heritage information. A similar format should be used to educate heritage planners, with pages devoted to the media, education, outreach and new technologies.) Those groups able to create this type of page include the Province, the Union of British Columbia Municipalities (UBCM), the PIBC and local planning and urban-issues related schools. Developing such an information clearinghouse requires a broader perspective than individual planners or planning departments could provide.
In addition, municipalities should forge connections among themselves through the production of newsletters, attendance at regular meetings, and the active submission of articles for inclusion in professional journals and other publications.

Professional organizations such as the PIBC and CIP should include opportunities at annual conferences and other events for heritage planners from all municipalities to network and disseminate information about heritage conservation. The PIBC should represent heritage planners' concerns to senior governments, and facilitate information-sharing among municipalities to avoid the expensive and time consuming duplication of bylaws and other policies.

Community Heritage Commission (CHC) members should make use of programs such as The CHC Network, which administers an information, training and network service. The service includes a newsletter, training opportunities, organizational development and an information number provided to meet the individual needs of CHCs. The CHC Network is a joint project of the Heritage Society of B.C. and the Ministry of Small Business, Tourism and Culture.

5.7.2 Technical Education

There should be increased training opportunities in regional centres to address individual components of the legislation in greater detail, such as the provision of financial support tools, heritage revitalization areas, heritage alteration permits or heritage conservation
areas. As they provide technical education for working planners, these workshops should occur in conjunction with other professional events, such as those organized by the PIBC, UBCM, UBC's School of Continuing Education or SFU's City Program. The Province should provide professional and technical assistance for these exercises.

A formal program of study should be required for building inspectors to educate them regarding the range and implementation of the equivalencies available in the *British Columbia Building Code*. The Building Officials Association should develop and administer this program in conjunction with the Province's Building Standards Branch.

A “plain language”, locally based manual should be developed to educate private property owners regarding appropriate regional architectural styles, authentic use of colour, and should include local resource guides explaining where to obtain suitable building materials and hire contractors who perform renovations that are sensitive to heritage.

### 5.7.3 Raising the Profile of Heritage Conservation

Various organizations should practice increased community outreach within the extent of regular educational programs and other activities, thereby raising the profile of heritage conservation and encouraging positive public relations. Relevant groups include: building inspection services; local government agencies such as municipal solicitors, city clerks and finance departments; the Urban Development Institute, the Building Owners and Managers Association (members of which control at least 80 percent of the prime commercial and institutional buildings in Greater Vancouver), and other organizations.
As many local and regional heritage advocacy groups are nonprofit organizations, they should take advantage of free media opportunities to promote awareness of heritage conservation and educate the general public about the implications of the new heritage legislation and other issues. They should also use the media in a more positive sense, to draw public attention to systemic changes that will enable them to avoid heritage conservation battles in favour of more proactive heritage issues. These groups should advocate that local councils, in return for public recognition, dedicate the necessary financial resources to employ additional heritage planners, or to promote conservation as a more 'senior' planning activity. Advocacy groups should also strive to create a public market and demand for heritage, and to lobby politicians at every level for changes that can further the practice of conservation.

Heritage Canada should practice more balanced participation in heritage conservation by publishing articles, critical analysis and technical information on significant heritage issues throughout the country, and promoting innovative features of provincial legislation among all jurisdictions. This group should also actively lobby governments to dedicate tax dollars towards the conservation of heritage resources.

Planning schools should help promote heritage conservation as a legitimate activity of local governments rather than a special interest issue (Habkirk, 1990: 86). Students interested in learning about heritage conservation should vocalize this to faculty and, by citing the ways in which it affects other planning practices, encourage the integration of
conservation into the general academic curriculum. In addition, continuing education and professional outreach departments should help educate planning professionals about new developments, such as the heritage legislation.

5.7.4 Staffing and Support Resources

Local councils should provide the financial resources for planning departments to hire additional planning staff. This would enable all planners to spend more time working with individual property owners on heritage issues, thereby eliminating one of the most significant barriers to the effectiveness of the support tools. Also, hiring additional generalist planners enables other staff, such as neighbourhood planners, to take the time to incorporate heritage issues into their daily activities. It would also alleviate councils' fears regarding the public perception of inequity, as the services of these planners are available to all who require them.

To counteract the reluctance of councils to address issues of inequity that stem from the provision of monetary grants, municipalities should explore opportunities to establish funding sources with the emphasis on private rather than public funds. Municipalities should also structure grant programs so that the public views them as promoting fair, reasonable investments of public revenue in heritage conservation, rather than giving away money.
5.8 SUMMARY

Whether the public realizes it, heritage conservation is a public objective; all communities contain certain elements of the past that they wish to preserve. Recognizing the value of heritage resources is a significant part of successfully meeting the planning needs of local communities. However, few municipalities consider conservation as important a planning objective as they should. Ignoring this factor of community planning results in poor heritage conservation practices, last-minute battles, and ultimately the demolition of irreplaceable heritage resources.

This assessment of the effectiveness of the heritage conservation support tools provided in the new legislation has resulted in the conclusion that local governments now have access to a comprehensive, innovative and powerful range of tools for heritage conservation. However, many barriers exist that prevent local municipalities from using the tools to their full advantage. Removal of these obstacles requires the involvement and efforts of a number of groups that currently are not assuming responsibility for heritage conservation. Until this occurs, British Columbia's limited heritage resources will continue to dwindle, regardless of the power of the legislation enacted to protect them.
BIBLIOGRAPHY


City of Vancouver Heritage Planning Department. "Vancouver Public Library". Heritage Staff Report, Vancouver: City of Vancouver, date unknown.


APPENDIX 1

SURVEY:

ASSESSMENT OF HERITAGE CONSERVATION SUPPORT TOOLS
FINANCIAL AND NON-FINANCIAL SUPPORT TOOLS IN HERITAGE CONSERVATION

This survey will provide a basis for assessing the effectiveness of the various financial and non-financial means by which British Columbia’s current heritage legislation, the *Heritage Conservation Statutes Amendment Act*, supports investment in the conservation of privately owned heritage properties. All responses are confidential. Please allow 30 minutes to complete the survey.

Name
Title/position
Name of organization

**General Questions**

1. Are you familiar with the range of financial and non-financial support tools provided by the *Heritage Conservation Statutes Amendment Act*?

2. Please estimate the amount of time you have spent studying the legislation and/or reviewing the explanatory materials related to the legislation.

3. Do you believe that the Act has provided local governments with a useful range of tools for heritage conservation?

4. Please indicate which of the following support tools you have implemented in your heritage conservation work.

   ____ full or partial tax exemptions
   ____ direct monetary grants
   ____ support services (technical advice, priority routing of applications, etc.)
   ____ heritage density bonuses or zoning to permit new uses
   ____ waiver of application fees, development cost charges, etc.
   ____ regulatory flexibility (parking requirements, signage, etc.)
   ____ other (please describe)

5. Why have you chosen these support mechanisms (over the others available in the Act) as a tool to encourage investment in heritage conservation?

6. Which of the support tools provided in the Act do you consider to be most acceptable to local council and staff?

7. Which do you consider to be most acceptable to the general public?
Property tax exemptions
1. In your experience, do local council and staff consider property tax exemptions an acceptable tool to promote investment in heritage conservation?

2. Does the new legislation provide local governments with a useful range of powers related to the provision of property tax exemptions?

Monetary grants
1. In your opinion, do local governments make sufficient use of monetary grants to assist private property owners to invest in heritage conservation?

2. Please describe some of the advantages associated with the use of monetary grants, as provided under the Act.

3. Please describe some of the disadvantages associated with the use of monetary grants.

Support services
1. Please indicate which of the following support services you have used in your heritage conservation work.

   ____technical advice
   ____program coordination
   ____priority routing of necessary approvals ("green door" policy)
   ____staff time devoted to a particular project
   ____other (please describe)

2. What are some of the advantages you have experienced when using these support services?

3. What are some of the disadvantages you have experienced?

4. Please describe any suggestions you may have for expanding the existing range, effectiveness or availability of support services that the new legislation provides.

Heritage density bonuses and zoning to permit new uses
1. Heritage density bonuses and zoning to permit new uses are discretionary tools; therefore, their effectiveness depends largely on the decisions of local government. In your experience, do local governments make effective use of these types of heritage conservation tools?

2. Please describe some of the advantages associated with the legislative powers that enable local governments to provide heritage density bonuses and zoning to permit new uses.

3. Please describe some of the disadvantages associated with these powers.

**Building code equivalencies**

1. In your opinion, is the use of building code equivalencies an effective means of encouraging investment in heritage conservation?

2. Please describe some of the advantages associated with using this support tool.

3. Please describe some of the disadvantages associated with using this support tool.

**Recommendations**

1. Can you suggest changes that might improve the existing range, availability or effectiveness of heritage conservation support tools that the *Heritage Conservation Statutes Amendment Act* provides to local governments in British Columbia?

Other comments: ______________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________