

INFORMATION REGARDING HERITAGE BUILDINGS

What is a Heritage Building?

There are no hard and fast rules, no binding legal definitions, that determine what is, and what is not, a heritage building. Of course, everyone thinks of heritage as old. "Heritage", however, is best understood when joined to another word, such as conservation. The term "heritage conservation" was coined in Canada to describe the movement that advocated an alternative to the thoughtless development and urban renewal that was destroying irreplaceable vintage buildings. In this sense, heritage is clearly understood to mean something worth keeping, preserving, and protecting.

Heritage conservation has in fact been largely concerned with "old" buildings (a very relative term), for several reasons. Older buildings, if not cared for, have more time to deteriorate, or simply go out of fashion. They become "dozer bait" - a prime target for demolition and redevelopment. The older they are, the more likely they are to be rare. Heritage, then, is often identified with the notion of the very old. But there is a growing awareness that even fairly recent structures, such as those built in the post-war era of the 1950's and 1960's, are already vulnerable to unsympathetic alterations or even demolition.

Heritage conservation is sometimes regarded as a movement to preserve only the best and the greatest - the "homes of the rich and famous". This is a misconception. The heritage movement is concerned with preserving the history of all walks of life, all human activities, all peoples. A coal shed has as much intrinsic worth as a castle. A house need not be the design of a noted architect or the birthplace of one of B.C.'s premier's to merit saving. Heritage is, simply, what we agree is worth keeping.

What is Heritage Designation?

An often misunderstood term, "heritage designation" in B.C. most often refers to a property protected by a municipal bylaw. The power to designate property as heritage is available to local government under the Local Government Act. There are several hundred municipally designated heritage properties in B.C.

If there is a desire to protect a building with a heritage designation bylaw, government will in almost all cases first attempt to get the compliance of the owner (often called a "friendly" designation). Owners often do comply, and in fact may seek designation if there is the opportunity of financial incentives as a result. In some cases, however, the owner may resist, in which case council may be reluctant to pursue designation, especially if there is a concern that the owner may seek financial compensation, which is possible if a loss in market value can be demonstrated. There have been a few instances of "unfriendly" designation in B.C., however, and none has resulted in a claim for compensation.

Once a property is designated by bylaw, the owner must obtain a Heritage Alteration Permit to make alterations. Designation is generally limited to the building exterior.

A local government heritage program should recognize that some changes to protected heritage property are inevitable. Heritage buildings must be useful and safe like any other. Rather than adopting an inflexible attitude, then, the regulating body (municipal staff, community heritage commission, and council) should work with the owner to implement reasonable and necessary changes, while at the same time protecting the building's essential heritage qualities. Designation travels with the title, and must be registered with the provincial Land Titles Office. There is no reason for anyone to buy a protected heritage property unaware.

A prospective buyer of a designated heritage property should check with the local planning department to get the details of the designation bylaw, and particulars about the municipal heritage program. In some cases, financial incentives may be available.

It is common in many communities with well established heritage programs to place plaques on designated heritage buildings. While many designated buildings are in fact some of the grandest in town, designation is technically not a form of commemoration. However, local government may choose to use it in this way. To further add to the confusion, the federal government uses the term "designation" for commemorative purposes, as when it creates a National Historic Sites. Federal designation confers no legal protection. The provincial heritage minister can also protect heritage property through designation, but generally prefers to leave such decisions to the local level.

Does heritage status affect the value of my home or building?

Property value depends on many variables, and heritage status - being on a heritage register, in a conservation area, or designated - is just one of them. Opponents to heritage regulation may say that any restrictions on future use or alterations will make a property less attractive in the market place. In fact, there is no solid evidence to support such a generalization. Alternatively, some studies have shown that residential heritage property actually increases in value faster than other properties, and holds its value better during market slumps.

Arguments about heritage status and property value should be grounded in common sense. For example, let's look at a heritage building in two extreme, contrasting circumstances. In the first instance, the building is a fine heritage home located in a neighbourhood of prestigious, historic residences. In this case, market value is will likely be affected positively by the home's heritage character and the stable, "upscale", location. Designation is not likely to reduce market value, and may in fact enhance it. Should the property go on the market, the vendor will promote its heritage "credentials".

At the other end of the spectrum, the same house, but in poor condition, in a neighbourhood of low-priced and low-rent homes zoned for commercial redevelopment, will clearly not benefit, in any monetary sense, from legal heritage protection. In fact, such protection would go directly contrary to municipal plans for the area, which encourage commercial development. Protecting this building with a heritage bylaw would contradict municipal policy, and lower the value of the property by removing the option for potentially lucrative development.

Heritage status is rarely imposed against the owner's wishes in B.C. In the case of designation, the law provides for compensation if there is a reduction of market value. an often misunderstood term, "heritage designation" in B.C. most often refers to a property protected by a municipal bylaw. The power to designate property as heritage was given to local governments in B.C. in 1977 under the Heritage Conservation Act. This power was transferred to the Municipal Act in 1994, and extended to regional districts as well. As of 1998 there were 860 municipal heritage designations in B.C.

If there is a desire to protect a building with a heritage designation bylaw, government will in almost all cases first attempt to get the compliance of the owner (often called a "friendly" designation). If the owner resists, particularly if there is a claim of potential loss of value, the government is unlikely to proceed, because the Municipal Act provides for financial compensation if loss of market value can be demonstrated.

Once a property is designated, the bylaw gives local government the power to refuse approval of proposed alterations, including demolition. Such power is generally limited to the building exterior, although the 1994 amendments to heritage legislation allowed for the designation of interiors, and there have since been a few of these.

In practice, enforcement of a designation bylaw includes recognition that the present owner or occupant may want or need to make alternations. Sometimes changes may be necessary for economic or structural viability. Rather than adopting an inflexible attitude to change, then, the regulating body (municipal staff, advisory bodies, and council) should try to be accommodating, while at the same time protecting the building's heritage qualities, especially those that are most visible to the public.

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It is common in many communities with well established heritage programs to place plaques on designated heritage buildings. This has been the source of some confusion about the purpose of designation. There is often a misconception that designation is a form of award or commemoration, which it is not. The fact that many designated buildings are in fact some of the most handsome or grand heritage buildings in town only adds to the misunderstanding. To further add to the confusion, the Federal Government does designate buildings and sites for commemorative purposes only, as National Historic Sites. The Federal Government has no constitutional rights to regulate property, so federal designation confers no protection.